

## Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Plaintiff Exhibit No.</b>	<b>Description of Exhibits</b>	<b>Bates No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
1.	Resume of Dr. Christopher Friday.		Ecology	Water Assoc Homeowners	
2.	Report, dated February 28, 2003, titled "Analysis and Documentation of Lummi History Aboriginal, Prehistoric, Treaty & Reservation Periods for the Lummi Peninsula Water Rights Case," prepared by Dr. Christopher Friday.	PFRI086-0273	Ecology	Water Assoc Homeowners	
3.	Treaty of Point Elliott	PFRI1003-0264-0269	Ecology Water Assoc Homeowners		
4.	November 22, 1873 Executive Order defining boundaries of Lummi Reservation	PFRI003-0270	Ecology Water Assoc Homeowners		
5.	Minutes of a Council Held at Lummi Reservation, Washington Territory, by Commissioner Felix R. Brunot, and Richards Deposition Ex. 204, 205, 206.	PFRI1002-0078-0081	Ecology	Water Assoc Homeowners	
6.	Records of the Proceedings of the Commission to Hold Treaties with the Indian Tribes in Washington Territories and the Blackfoot Country, Richards Deposition Ex. 203.	DECY005-10596-10616	Ecology	Water Assoc Homeowners	
7.	Treaty with the Rogue River tribes (Oregon), 1853.		Ecology	Water Assoc Homeowners	
8.	Treaty with the Umpqua - Cow Creek Band (Oregon), 1853, Richards Deposition Ex. 202.	DECY 10519-520	Ecology	Water Assoc Homeowners	
9.	Smith and Lang Report, Richards Deposition Ex.207;	PFRI 11200013	Ecology	Water Assoc Homeowners	
10.	Report of the Farmer in Charge, Lummi Reservation, 1870, Richards Deposition Ex. 208.	PFRI002-0007	Ecology	Water Assoc Homeowners	
11.	Report, dated April 15, 2004, titled "Response to the Report of Dr. Richards in the Lummi Peninsula Water Rights Case", prepared by Dr. Christopher Friday.	PFRI003-0657-0710	Ecology	Water Assoc Homeowners	
12.	Barbara Lane, "Political and Economic Aspects of Indian White Culture Contact in Western Washington in the Mid-19th Century," (1973), pp. 41-42, Lane Reports, box 19, Northwest Ethnohistory Collection, Center for Pacific	PFRI 002 0258-0260.	Ecology	Water Assoc Homeowners	

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	Northwest Studies, Western Washington University.				
13.	Barbara Lane, "Anthropological Report on the Identity, Treaty Status, and Fisheries of the Lummi Tribe of Indians," pp. 12, 18-21, Box 19, Northwest Ethnohistory Collection, Center for Pacific Northwest Studies, Western Washington University, Bellingham, Washington.	PRFI 002 0287-0319	Ecology	Water Assoc Homeowners	
14.	Barbara Lane, "Background of Treaty Making in Western Washington," (1977), 15, box 34, Northwest Ethnohistory Collection, Western Washington University, Bellingham, Washington. .	PFRI 001 2415	Ecology	Water Assoc Homeowners	
15.	Barbara Lane, "Background of Treaty Making in Western Washington." American Indian Journal 3 (April 1977): 2-11.	PFRI 002 0556-0565	Ecology	Water Assoc Homeowners	
16.	Map1-4, Roland C. Lyle Map Collection, Center for Pacific Northwest Studies, Western Washington University, Bellingham, Washington,.	PFRI 002 1627-1631	Ecology	Water Assoc Homeowners	
17.	Maps 11-11, 12-5, 12-6, 12-8, Howard E. Buswell Collection, Center for Pacific Northwest Studies, Western Washington University, Bellingham, Washington,	PFRI 002 1632-1635.	Ecology	Water Assoc Homeowners	
18.	Isaac W. Smith Survey Notes, 1859, Whatcom County Public Works, Engineering Field Notes, Microfilm, Vol. 1, Bellingham, Washington, pp. 320-321,.	PFRI 002 1638	Ecology	Water Assoc Homeowners	
19.	William McCluskey, Education Division Report, Industries Section, June 30, 1910, folder 4, box 107, Tulalip Agency, NARA, Seattle. .	PFRI 001-1328	Ecology	Water Assoc Homeowners	
20.	William McCluskey, Annual Report 1913, folder A (#1), box 179, General Correspondence, 1909-1925, Tulalip Agency, NARA, Seattle. .	PFRI 001-1336	Ecology	Water Assoc Homeowners	
21.	1917 Annual Report, Box 313 Annual Reports, 1916-1920, Tulalip Agency, RG 75, NARA, Seattle. .	PFRI 001-1319	Ecology	Water Assoc Homeowners	
22.	Correspondence-Finkbonner to Chirouse, March 10, 1870, Microfilm Roll 2, Puget Sound Agency, RG 75, NARA, Seattle.	PFRI 001-1381	Ecology	Water Assoc Homeowners	
23.	Report of Inspector Frank C. Armstrong on the Tulalip Agency.	PFRI 001-2444	Ecology	Water Assoc Homeowners	

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24.	Correspondence-H.Price to Patrick Buckley, Tulalip Agency.	PFRI 001-2443	Ecology	Water Assoc Homeowners	
25.	Survey of Conditions of the Indians in the United States, Hearings before a Subcommittee of the Committee on Indian Affairs, United States Senate, 71st cong. 3rd sess., Part 21, Hearings at Tacoma, Washington, 1932, page 110802. .	PFRI 002-0123	Ecology	Water Assoc Homeowners	
26.	Correspondence-Joseph R. Hillaire to House Representative Henry M. Jackson, January 25, 1951, decimal file 60, Lummi Tribal Correspondence, box 268, Decimal File 054-063, Tulalip Agency, RG 75, NARA, Seattle.	PFRI 001 1397-1399.	Ecology	Water Assoc Homeowners	
27.	Correspondence-William McCluskey to Charles Buchanan, August 18, 1915, folder 7-14f, box 195, General Correspondence, 1909-1925, RG 75, Tulalip Agency, NARA, Seattle..	PFRI 001 0100-0103	Ecology	Water Assoc Homeowners	
28.	Correspondence-William McCluskey to Charles Buchanan, July 9, 1909, Annual Report, Folder 2, Letters Received, Lummi, 1905-1909, Box 99, Tulalip Agency.	PFRI 001-1308; PFRI 001-1273.	Ecology	Water Assoc Homeowners	
29.	Annual Report to the Commissioner of Indian Affairs (1854), pp. 247-248. .	PFRI 002 1174-1175	Ecology	Water Assoc Homeowners	
30.	Annual Report of the Commissioner of Indian Affairs (1855), p. 338.	PFRI 002- 1178	Ecology	Water Assoc Homeowners	
31.	Lummi Nation Code, including Water Code and Lummi Constitution.		Ecology Water Assoc Homeowners		
32.	Chart illustrating the governmental structure of the Lummi Nation. (To be prepared).			Ecology	Water Assoc Homeowners
33.	“Self-Governance: A Tribally Driven Initiative”, undated,	PLUM008-0534-0595	Ecology	Water Assoc Homeowners	
34.	Photo of Lummi Tribal School (Marietta).			Ecology	Water Assoc Homeowners
35.	Photo of Lummi Tribal Head Start Program.			Ecology	Water Assoc Homeowners
36.	Photo of Lummi New Tribal School.			Ecology	Water Assoc

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					Homeowners
37.	Photo of Lummi Tribal Health Center.			Ecology	Water Assoc Homeowners
38.	Photo of Lummi Tribal Fitness Center.			Ecology	Water Assoc Homeowners
39.	Photo of Lummi Police Station.			Ecology	Water Assoc Homeowners
40.	Photo of Lummi Reservation Court.			Ecology	Water Assoc Homeowners
41.	Photo of Northwest Indian College.			Ecology	Water Assoc Homeowners
42.	Artist's Rendering of New Northwest Indian College Campus.			Ecology	Water Assoc Homeowners
43.	Photo of Lummi Administrative Offices.			Ecology	Water Assoc Homeowners
44.	Photo of Lummi Indian Business Council in Session.			Ecology	Water Assoc Homeowners
45.	Photo of Lummi Silver Reef Casino.			Ecology	Water Assoc Homeowners
46.	Photo of Lummi Mini-Mart and Gas Station.			Ecology	Water Assoc Homeowners
47.	Photo of Lummi Convenience Store at Gooseberry Point.			Ecology	Water Assoc Homeowners
48.	Photo of Lummi Little Bear Creek Low Income Elderly Housing complex.			Ecology	Water Assoc Homeowners s
49.	Photo of Lummi Tribal Water and Sewer District Office.			Ecology	Water Assoc Homeowners
50.	Photo of Lummi Aquaculture Project and Shellfish Hatchery.			Ecology	Water Assoc Homeowners
51.	Photo of Lummi Housing Project homes.			Ecology	Water Assoc Homeowners
52.	Photo of St. Joachim's Catholic Church.			Ecology	Water Assoc Homeowners
53.	Photo of Lummi Tribal Cemetery.			Ecology	Water Assoc

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					Homeowners
54.	Photo of Lummi Youth Services personnel and youth.			Ecology	Water Assoc Homeowners
55.	Photo of House of Tears Carvers totem poles commemorating events of September 11, 2001.			Ecology	Water Assoc Homeowners
56.	Photo of Wex liem, the Lummi Community Center.			Ecology	Water Assoc Homeowners
57.	BIA land ownership records and tribal deeds (in the absence of stipulation among parties as to ownership of lands).		Water Assoc/Homeowners	Ecology	
58.	Resume of Dr. Gretchen Greene.	PDOJ001-0035 to 0039	Ecology	Water Assoc Homeowners	
59.	Report, dated February 28, 2003, titled "Present Water Use and Future Water Needs for Domestic, Commercial, and Municipal Purposes by the Lummi Nation on the Lummi Peninsula," prepared by Northwest Economic Associates.	PNEA003-0639-0715		Ecology Water Assoc Homeowners	
60.	Report, revision date August 2004, titled "Present Water Use and Future Water Needs for Domestic, Commercial, and Municipal Purposes by the Lummi Nation on the Lummi Peninsula," prepared by Northwest Economic Associates.			Ecology Water Assoc Homeowners	
61.	Memorandum, dated August 18, 2003, titled "Errata for Two Expert Reports", prepared by Northwest Economic Associates.			Ecology Water Assoc Homeowners	
62.	Chart illustrating the projected population of Indians residing on the Lummi Peninsula from 2000 to 2100.			Ecology Water Assoc Homeowners	
63.	Presentation paper, dated May 5, 1993, titled, "Why are People Missed or Erroneously Included by the Census: A summary of Findings from Ethnographic Coverage Reports" by Michael de La Puente.	PNEA002 1079	Ecology	Water Assoc Homeowners	
64.	Whatcom County Coordinated Water System Plan Update, prepared by Economic and Engineering Services, Inc.		Ecology	Water Assoc Homeowners	
65.	Presentation paper, dated May 1993, titled "What the Census Bureau's Coverage Evaluation Programs tell us about Differential Undercount", by Howard Hogan and Gregg	PNEA002 1052	Ecology	Water Assoc Homeowners	

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	Robinson.				
66.	Working Paper No. 38, dated January 12, 2000, titled "Methodology and Assumptions for the Population Projections of the United States: 1999 to 2100", by Frederick W. Hollman, Tammany J. Mulder, Jeffrey E. Kallan.	PNEA002 0450	Ecology	Water Assoc Homeowners	
67.	Report, titled "Trends in Indian Health, 2000," by Indian Health Service.		Ecology	Water Assoc Homeowners	
68.	Excerpt from Report, titled "Regional Differences in Indian Health", by Indian Health Service.	PNEA002 0329	Ecology	Water Assoc Homeowners	
69.	Report, dated 1999, titled "American Indian Population Recovery in the Twentieth Century", by Nancy Shoemaker.	PNEA003 1056	Ecology	Water Assoc Homeowners	
70.	Article, dated 1954, titled "Post-Contact Culture Changes among the Lummi Indians", by Wayne Suttles.	PNEA003 2040	Ecology	Water Assoc Homeowners	
71.	Report, dated September 1991, titled "Demographic Analysis of the Lummi Indian Reservation", by Lucky M. Tedrow and David A. Swanson.	PNEA003 2546	Ecology	Water Assoc Homeowners	
72.	Excerpt from U.S. Department of Commerce Report, Statement by William G. Barron, Jr. on the Current Status of Results of Census 2000 Accuracy and Coverage Evaluation Survey.		Ecology	Water Assoc Homeowners	
73.	US Census Bureau Summary File 1, Census Data for Lummi Reservation.	PNEA002 0237	Ecology	Water Assoc Homeowners	
74.	Bureau of Indian Affairs Answers to Frequently Asked Questions, by Bureau of Indian Affairs.	PNEA002 0910	Ecology	Water Assoc Homeowners	
75.	Working Paper No. 39, dated August 1999, titled "What do we know about the undercount of Children?", by Kirsten West and J. Gregory Robinson.	PNEA002 0980	Ecology	Water Assoc Homeowners	
76.	Report, titled "Health Status Report: The Health of Native Americans in Whatcom County", by Whatcom County Health and Human Services Department.	PNEA0020206	Ecology	Water Assoc Homeowners	
77.	Report, dated March 12, 2003, titled "Decision on Intercensal Population Estimates," by U.S. Census Bureau.		Ecology	Water Assoc Homeowners	
78.	Report, titled "Changing Numbers, Changing Needs,	PNEA002 0276	Ecology	Water Assoc	

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	American Indian Demography and Public Health,” edited by Gary Sandefur, Ronald Rindfuss, Barney Cohen.			Homeowners	
79.	Report, dated April 15, 2004, titled “Rebuttal to reviews by 1) Washington State Office of Financial Management, 2) Science Applications International Corporation, 3) Washington State Department of Ecology of “Present Water Use and Future Water Needs for Domestic, Commercial, and Municipal Purposes by the Lummi Nation on the Lummi Peninsula,” prepared by Northwest Economic Associates.	PNEA003-2685-2718		Ecology Water Assoc Homeowners	
80.	Chart illustrating “projections of Lummi population, assuming convergence to 2.1 TFR and alternative intermarriage assumptions,” Theresa Lowe Deposition Ex. 198.	DECY006-14441 to 14442	Ecology	Water Assoc Homeowners	
81.	Resume of Dr. Michael Taylor.		Ecology	Water Assoc Homeowners	
82.	Report, dated February 28, 2003, titled “Preliminary Feasibility and Market Analysis for Irrigated Agriculture”, prepared by Northwest Economic Associates.	PNEA003-0716-0729	Ecology	Water Assoc Homeowners	
83.	Report, dated April 1993, titled "Enterprise Budget, Red Raspberry, Willamette Valley Region," by Oregon State University Extension Service, EM 8539	PNEA002 1447	Ecology	Water Assoc Homeowners	
84.	Report, dated November 2, 2000, titled, "Hatchery and Genetic Management Plan (HGMP)", by Merle Jefferson Lummi Bay Chinook Program, Natural Resources Department.	PNEA003 1305	Ecology	Water Assoc Homeowners	
85.	Report, dated February 28, 2003, titled “Fish Hatchery Ground Water Needs on the Lummi Peninsula”, prepared by Northwest Economic Associates.	PNEA003-0759-0793		Ecology Water Assoc Homeowners	
86.	Report, dated April 15, 2004, titled “Rebuttal Report to “Lummi Indian Nation Practicably Irrigable Acreage Evaluation” by SAIC, December 8, 2003; “Water Use Planning and Demand analysis,” Technical Memorandum by Daniel R. Haller, November 17, 2003; and “Estimate of	PNEA003-2719-2750	Ecology	Water Assoc Homeowners	

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	Groundwater Available for Irrigation Within the Lummi Peninsula Study Area,” Technical Memorandum by Dave Nazy, November 3, 2003”, prepared by Northwest Economic Associates.				
87.	Report, dated 2001, titled "Planning for Profit: Raspberry Establishment Budget, Fraser Valley", by British Columbia Ministry of Agriculture, Food and Fisheries.	DECY007-0014529	Ecology	Water Assoc Homeowners	
88.	Excerpt from SAIC Rebuttal Report, titled "Table C1. Estimated Crop Budget for Raspberries, Machine Harvested".	DECY007-0014947	Ecology	Water Assoc Homeowners	
89.	Resume of Dr. Robert McKusick.	PDOJ001-0016 to 0028	Ecology	Water Assoc Homeowners	
90.	Report, dated February 28, 2003, titled “Economic Feasability and Water Requirements of Greenhouse Tomato Production on the Lummi Indian Reservation”, prepared by Northwest Economic Associates.	PNEA003- 0730-0758	Ecology	Water Assoc Homeowners	
91.	Report, dated February 28, 2003, titled “Description of the Lummi Indian Reservation Homeland”, prepared by Northwest Economic Associates.	PNEA003-0827-0884	Ecology	Water Assoc Homeowners	
92.	Article, dated 1978, titled "The Lummi Indian Community," by Vine Deloria.	PNEA003 2004	Ecology	Water Assoc Homeowners	
93.	Memorandum, dated April 22, 1988, titled "Memorandum for the Assistant Attorney General, Civil Division," by Dawn E. Johnsen	PNEA003 2157		Ecology Water Assoc Homeowners	
94.	Website, "Tribal Success Stories," , Lummi Nation Website	PNEA003 2082		Ecology Water Assoc Homeowners	
95.	Annual Report, dated April 2001, Lummi Indian Business Council.	PNEA003 1925	Ecology	Water Assoc Homeowners	
96.	Report, dated July 31, 2002, titled “Lummi Indian Business Council Economic Development Department, Comprehensive Economic Development Strategy (CEDS)”.	PNEA003 1870	Ecology Water Assoc Homeowners		
97.	Report, dated February 28, 2003, titled “Recent Trends and Expected Development of the Whatcom County Economy”,	PNEA003-0794-0826	Ecology	Water Assoc Homeowners	



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	prepared by Northwest Economic Associates.				
98.	Report, dated February 28, 2003, titled “Present and Future Comprehensive Ground Water Need for the Lummi on the Lummi Indian Reservation Homeland”, prepared by Northwest Economic Associates.	PNEA003-0885-0937		Ecology Water Assoc Homeowners	
99.	Report, revision date August 2004, titled "Present and Future Comprehensive Groundwater Need for the Lummi Peninsula on the Lummi Indian Reservation Homeland," by Northwest Economic Associates.			Ecology Water Assoc Homeowners	
100.	Graphic, titled “Domestic, Commercial, and Municipal Water Need Forecast for Lummi Peninsula with Expected Available Water by Year - Scenario 1 - 9” by Northwest Economic Associates (to be prepared).			Ecology	Water Assoc Homeowners
101.	Chart comparing the projected water uses of Indians residing on the Lummi Peninsula (in acre feet) to the available water supply on the Lummi Peninsula (to be prepared).			Ecology	Water Assoc Homeowners
102.	Resume of Ross Waples.		Ecology	Water Assoc Homeowners	
103.	Report, dated February 28, 2003, titled “Lummi Peninsula Land Classification Investigation”, prepared by HKM Engineering.	PHKM001-1674-1594	Ecology	Water Assoc Homeowners	
104.	Table of costs associated with red raspberry project.		Ecology	Water Assoc Homeowners	
105.	Bureau of Reclamation Instructions, Series 510: Land Classification Techniques and Standards,	DECY007-0016389-0016708.	Ecology	Water Assoc Homeowners	
106.	Resume of Ray Armstrong.		Ecology	Water Assoc Homeowners	
107.	Report, dated February 28, 2003, titled “Lummi Peninsula Potable Water Distribution System Evaluation,”	PHKM001-1595-1673.	Ecology	Water Assoc Homeowners	
108.	Washington State Department of Health, Water System Design Manual chapters 5 & 9.		Ecology	Water Assoc Homeowners	
109.	Joseph A Salvato, Environmental Engineering and Sanitation, Fourth Edition, page 295.		Ecology	Water Assoc Homeowners	
110.	WAC 246-293-640 (fire flow requirements).		Ecology		

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			Water Assoc Homeowners		
111.	Resume of Mark Shaffer.		Ecology Water Assoc Homeowners		
112.	Report, dated February 28, 2003, titled "Lummi Peninsula Groundwater Investigation", prepared by Aspect Consulting, LLC.	PASP007-0002-0301	Ecology	Water Assoc Homeowners	
113.	Open File Report, dated 1949, Groundwater resources of western Whatcom County, Washington, R.C. Newcomb, J.E. Sceva, Olaf Stromme, United States Geological Survey.	PASP-008-1996-2131	Ecology	Water Assoc Homeowners	
114.	Unpublished Letter to Lt. Cdr. J.C. Bridger, U.S. Navy, dated 1952, from J.E. Sceva, United States Geological Survey.	PASP 003-1882-1886	Ecology	Water Assoc Homeowners	
115.	Open File Report, dated 1957, titled "Ground water in the Lummi Indian Reservation, Whatcom County, Washington," R. L. Washburn, United States Geological Survey.	PUSG001-0073 to 0106	Ecology Water Assoc Homeowners		
116.	Open File Report, dated 1974, "A ground water investigation of the Lummi Indian Reservation area, Washington," D.R. Cline, United States Geological Survey	PASP 003-1887-1976	Ecology Water Assoc Homeowners		
117.	Three dimensional representation of the geologic formations underlying the Case Area (to be prepared by Aspect).		Ecology		Water Assoc Homeowners
118.	Map showing combined Lummi Peninsula case area and Ferndale/flood plain area, with well locations and selected well data, and showing a line of geologic cross section (to be prepared by Aspect).		Ecology		Water Assoc Homeowners
119.	Geologic cross section showing subsurface conditions along a profile extending from Ferndale to Gooseberry Point (corresponding to line on above map) (to be prepared by Aspect).		Ecology		Water Assoc Homeowners
120.	Lummi Peninsula Groundwater Resources Map, showing groundwater elevations and flow directions, Nazy Deposition Ex. 249.	DECY002-00003602	Ecology	Water Assoc Homeowners	

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121.	Geologic map of Western Whatcom County dated 1976, by D.J. Easterbrook, U.S. Geological Survey Map I-854-B.	PASP 003-3173-3174	Ecology Water Assoc Homeowners		
122.	Email to K.J. Lombardi from D.R. Haller (2004) regarding “Phase 2 Work Plan and Revised Budget”,	DECY 006-0013819-13820.	Ecology	Water Assoc Homeowners	
123.	Letter to Mark Shaffer from M. Jefferson, Lummi Indian Business Council, Natural Resources Department, regarding acceptable chloride levels in Lummi Nation Wells.	PASP 008-2059-2060.	Ecology	Water Assoc Homeowners	
124.	Report prepared by Science Applications International Corporation (2003) titled “Lummi Indian Nation Practicably Irrigable Acreage Evaluation”.	DECY 005-11377-11451	Ecology	Water Assoc Homeowners	
125.	Diagram depicting flow of groundwater in situation where one side of area has soils which are significantly less permeable than the other side of same area (to be prepared by Aspect).		Ecology	Water Assoc Homeowners	
126.	Report, dated April 15, 2004, titled “Aspect Consulting’s Rebuttal to Reports of: Scott F. Bender dated December 20, 2003, and Don J. Easterbrook dated December 15, 2003, including Responses to Selected Statements by Washington Department of Ecology and United States Geological Survey,”.	PASP008-2101-2141	Ecology	Water Assoc Homeowners	
127.	Memorandum dated March 3, 2000, from Dave Nazy to Jim Bucknell and Dan Swenson, titled “Review of Hydrogeologic Data near the Bel Bay Development,” Bucknell Deposition Ex. 188.	DECY001-00003113-3116,	Ecology	Water Assoc Homeowners	
128.	Draft Technical Memorandum, dated February 13, 2003, by David Nazy, Washington State Department of Ecology, David Nazy Deposition Ex. 244.	DECY006-11699 to 11727	Ecology	Water Assoc Homeowners	
129.	“Technical Memorandum”, David Nazy, Washington State Department of Ecology, September 8, 2003, Nazy Deposition Ex. 245.	DECY007-18455 to 18487	Ecology	Water Assoc Homeowners	
130.	Document, dated March 21, 2003, titled “Andy’s Critique of the Lummi Ground Water Study and Modeling Effort”, Nazy Deposition Ex. 246.	DECY006-0013816-13818	Ecology	Water Assoc Homeowners	

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131.	Resume of Mike Riley.		Ecology	Water Assoc Homeowners	
132.	Resume of Brian Drost.		Ecology	Water Assoc Homeowners	
133.	Resume of Erick Miller.		Ecology	Water Assoc Homeowners	
134.	Abstract, "SEAWAT: A Computer Program for Simulation of Three Dimensional Variable-Density Ground Water Flow," prepared by Weixing Guo and Christian Langevin.	PDOJ001-0262-0265	Ecology	Water Assoc Homeowners	
135.	User's Guide to SEAWAT, prepared by United States Geological Survey, Open File Report 01-434,	PDOJ 001-0266-0350.	Ecology	Water Assoc Homeowners	
136.	Memorandum, dated April 14, 2004, titled "U.S. Geological Survey Administrative Report (WA-3068)-Technical Review of critiques, 'Opinion, Groundwater Hydrology and Aspect Report Technical Review, Lummi Peninsula Litigation, Bellingham, Washington' by Bender Consulting, LLC and 'Analysis of Aspect Consulting Report-Lummi Peninsula Groundwater Investigation' by Don J. Easterbrook," prepared by Brian W. Drost, United States Geological Survey, WR, Tacoma, WA.	PUSG002-0803-0813	Ecology	Water Assoc Homeowners	
137.	Report, dated January 10, 2003, titled "Technical review of draft report "Lummi Peninsula Ground Water Investigation, Lummi Indian Reservation, Washington" by Aspect Consulting, LLC", prepared by Brian W. Drost, United States Geological Survey.		Ecology	Water Assoc Homeowners	
138.	USGS Circular 1217, titled "Ground Water Level Monitoring and the Importance of Long Term Water Level Data," by Charles J. Taylor and William M. Alley (2001). This document is referenced in Brian Drost's April 14, 2004 rebuttal report, at.	PUSG0002-0808	Ecology	Water Assoc Homeowners	
139.	USGS Water Supply Paper 2220, titled "Basic Groundwater Hydrology," by Ralph C. Heath (1989). This document is referenced in Brian Drost's April 14, 2004 rebuttal report, at.	PUSG0002-0811	Ecology	Water Assoc Homeowners	

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140.	Water Well Report -Ed Mohs Well - Bender Deposition Ex. 228.	SB 0063	Ecology Water Assoc Homeowners		
141.	Water Well Reports, Bender Deposition Ex. 229, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242.		Ecology Water Assoc Homeowners		
142.	Diagram drawn by Scott Bender, Bender Deposition Ex. 230.		Ecology Water Assoc Homeowners		
143.	Regional Piezometric Surface Map, Bender Deposition Ex. 226.		Ecology Water Assoc Homeowners		
144.	Potentiometric Map - 7/26/99, Bender Deposition Ex. 227.	PASP007-0145	Ecology Water Assoc Homeowners		
145.	Publication, "State of the Nooksack Watershed", (selected pages), Washington Dept. Of Ecology, November 3, 1995, James Bucknell Deposition Ex. 181.		Ecology Water Assoc Homeowners		
146.	Publication, "Questions and Answers, Water Right Claims", Washington Dept. Of Ecology, February 1997, Bucknell Deposition Ex. 182.		Ecology Water Assoc Homeowners		
147.	Publication, "Frequently Asked Questions About Water Rights in Washington," Washington Dept. Of Ecology, April 2004, Bucknell Deposition Ex. 183.		Ecology Water Assoc Homeowners		
148.	Publication WR-98-152, "Washington Water Laws, A Primer," Washington Dept. Of Ecology, Bucknell Deposition Ex. 184.		Ecology Water Assoc Homeowners		
149.	Map, "WRIA 1 Water Right Allocation Status" Bucknell Deposition Ex. 186.		Ecology Water Assoc Homeowners		
150.	Water Well Reports (3), Bucknell Deposition Ex. 186.		Ecology Water Assoc Homeowners		
151.	Well Log Images Map, Washington state Dept. Of Ecology,		Ecology		

### Draft Master Plaintiff/Defendant Exhibit Matrix

Plaintiff Exhibit No.	Description of Exhibits	Bates No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	June 19, 2004, Bucknell deposition Ex. 187.		Water Assoc Homeowners		
152.	Chapter 173-501 Washington Administrative Code.		Ecology Water Assoc Homeowners		
153.	Chapter 173-200-030 Washington Administrative Code.		Ecology Water Assoc Homeowners		
154.	Water system transfer agreement, Lummi and Horizon Heights Water Association, July 2, 1991,	PLUM 002-2884-2889	Ecology	Water Assoc Homeowners	
155.	Fisherman's Cove Water System transfer and ULID documents.	PLUM 008 0166-0176	Ecology	Water Assoc Homeowners	
156.	Letter from Clayton Finkbonner to Georgia Manor Water Association, dated October 25, 1990, Linnea Smith Deposition Ex. 34.		Ecology	Water Assoc Homeowners	
157.	Draft water system transfer agreement, undated, Smith Deposition Ex. 35.		Ecology	Water Assoc Homeowners	
158.	United States v. Bel Bay Community and Water Association, Third Affidavit of Duane Wegner.	PLUM 0003-3611-3613.		Ecology Water Assoc Homeowners	
159.	United States v. Bel Bay Community and Water Association, Memo of State in Support of Motion to Dismiss,.	PLUM 0003-3537-3545		Ecology Water Assoc Homeowners	
160.	United States v. Bel Bay Community and Water Association, Affidavit of Bruce Cameron,	PLUM 0003-3526-3527.		Ecology Water Assoc Homeowners	
161.	United States v. Bel Bay Community and Water Association, Order Granting Summary Judgment,	PLUM 0003-3516-3520.		Ecology Water Assoc Homeowners	
162.	United States v. Bel Bay Community and Water Association, Order Withdrawing Summary Judgment Order,	PLUM 0003-3488-3489.		Ecology Water Assoc Homeowners	
163.	United States v. Bel Bay Community and Water Association, Order Dismissing Case as Moot,	PLUM 0003-3486-3487.		Ecology Water Assoc	

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Plaintiff Exhibit No.</b>	<b>Description of Exhibits</b>	<b>Bates No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
				Homeowners	
164.	Matter of Groundwater Applications Nos. 10365 and 11260 and Groundwater Permit No. 10117, Bel Bay Community and Water Association, Order of Cancellation,	PLUM 0003-3482-3483.		Ecology Water Assoc Homeowners	
165.	Order Granting Motion For Partial Summary Judgment Re: Boundaries, Lummi Indian Tribe and United States of America v. Hallauer, et al., No. C79-682R, W.D. Wash. 1981.			Ecology Water Assoc Homeowners	
166.	Order Granting Summary Judgment Motion of Plaintiff and Denying Summary Judgment of Defendant Re: Jurisdiction, Lummi Indian Tribe and United States of America v. Hallauer, et al., No. C79-682R, W.D. Wash. 1982.			Ecology Water Assoc Homeowners	
167.	Documents Relating to Bailey/Sperry Water Denial Appeal to Lummi Water Board, March to May 1996,	PLUM 007 2212 – 2320 and 3363 – 3416.	Ecology	Water Assoc Homeowners	
168.	Record of Bailey/Sperry Appeal from Water Board to Tribal Court – No. 96.6.CA6197.	PLUM 007 2321 – 2478	Ecology	Water Assoc Homeowners	
169.	Chart illustrating the future Tribal population on the Lummi Peninsula using various projections. (to be prepared by NRCE).			Ecology	Water Assoc Homeowners
170.	Report, dated April 14, 2004, titled “Comments on Critiques by Don J. Easterbrook (December 15, 2003) and Scott F. Bender (December 20, 2003) and Lummi Peninsula Ground Water Investigation by Aspect Consulting (February 28, 2003), , prepared by Natural Resource Consulting Engineers, Inc.	PLUM006-0060-0094	Ecology	Water Assoc Homeowners	
171.	Memorandum, dated April 15, 2004, titled “Comments on Lummi Indian Practicably Irrigable Acreage Evaluation,”, prepared by Natural Resource Consulting Engineers, Inc.	PLUM006-0110-0116	Ecology	Water Assoc Homeowners	
172.	Memorandum, dated April 15, 2004, titled “Comments on Critiques of Lummi Peninsula Population Forecast by NEA,”, prepared by Natural Resource Consulting Engineers, Inc.	PLUM006-0100-0106		Ecology Water Assoc Homeowners	
173.	Report, dated Feb. 25, 2003, titled “Review of Selected	PLUM 006 0001-		Ecology	

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Plaintiff Exhibit No.</b>	<b>Description of Exhibits</b>	<b>Bates No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
	Technical Reports by United States Consultants," prepared by Woldezion Mesghinna, Ph.D, P.E.	0050.		Water Assoc Homeowners	
174.	Act of Congress conveying title to Education Center to Lummi Indian Tribe	PLUM 003 3634	Ecology Water Assoc Homeowners		
175.	Warranty Deed conveying title to Navarrette property to Lummi Indian Tribe w/ map	PLUM 003 3642-3643	Ecology Water Assoc Homeowners		
176.	Deed conveying title to Clinic Property to United States in trust for Lummi Indian Tribe w/ BIA certification and maps	PLUM 003 3645-3649	Ecology Water Assoc Homeowners		
177.	BIA Title Status Reports showing title to August Martin HeadStart property in trust for Lummi Indian Tribe w/ map (PLUM 003 3650-3656) & Deeds conveying same property to Lummi Indian Tribe	PLUM 003 3785-3788	Ecology Water Assoc Homeowners		
178.	BIA Title Status Report showing title to Tribal Complex property in United States in trust for Lummi Indian Tribe w/ map (PLUM 003 3660-3663) & Letter Deed conveying same from GSA to BIA in trust for Lummi Indian Tribe	PLUM 003 3657-3659	Ecology Water Assoc Homeowners		
179.	Statutory Warranty Deed conveying title to Gooseberry Sewage Treatment Plant, 2156 Lummi View Drive, to United States in trust for Lummi Indian Tribe w/ maps and plat excerpt	PLUM 003 3664-3666	Ecology Water Assoc Homeowners		
180.	BIA Title Status Reports showing title to Block House & Antenna site in United States in trust for Lummi Indian Tribe w/ map (PLUM 003 3670-3676) & Letter Deed conveying same from GSA to BIA in trust for Lummi Indian Tribe	PLUM 003 3667-3669	Ecology Water Assoc Homeowners		
181.	Statutory Warranty Deed conveying title to Portage T-1 Property to Lummi Indian Tribe with map	PLUM 003 3677-3678	Ecology Water Assoc Homeowners		
182.	Statutory Warranty Deed conveying title to Portage T-6 Property to Lummi Indian Tribe with map	PLUM 003 3679-3681	Ecology Water Assoc Homeowners		



### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Plaintiff Exhibit No.</b>	<b>Description of Exhibits</b>	<b>Bates No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
183.	Statutory Warranty Deeds conveying title to Portage House Property to Lummi Indian Tribe and/or to United States in trust for Lummi Indian Tribe w/ maps and deed of easements and well site	PLUM 003 3682-3697	Ecology Water Assoc Homeowners		
184.	Statutory Warranty Deed conveying title to Portage 3 Property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3688-3689	Ecology Water Assoc Homeowners		
185.	Statutory Warranty Deed conveying title to Portage 4 Property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3690-3691	Ecology Water Assoc Homeowners		
186.	Statutory Warranty Deed conveying title to Portage 5 Property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3692-3694	Ecology Water Assoc Homeowners		
187.	Statutory Warranty Deed conveying title to Portage 6 Property, to Beach North o f Portage Beach Launch and to Boat Launch on Portage Spit to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3695-3697	Ecology Water Assoc Homeowners		
188.	Statutory Warranty Deed conveying title to Syre Property-Turkey Shoot property to Lummi Indian Business Council w/ map	PLUM 003 3698-3699	Ecology Water Assoc Homeowners		
189.	Warranty Fulfillment Deed conveying title to Lant Property to United States in trust for Lummi Indian Tribe w/ map	PLUM 003 3700-3702	Ecology Water Assoc Homeowners		
190.	Deed conveying title to Kittles property to United States of America in Trust for Lummi Indian Tribe w/ BIA Title Status Report and map	PLUM 003 3703-3708	Ecology Water Assoc Homeowners		
191.	Deed conveying title to E. Martin property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3709-3711	Ecology Water Assoc Homeowners		
192.	Deed conveying title to Victor and Edith Jones/Stommish Grounds property to United States of America in Trust for Lummi Indian Tribe w/ BIA Title Status Report and Map	PLUM 003 3712-3717	Ecology Water Assoc Homeowners		
193.	Deed conveying title to Celestine property to United States of America in Trust for Lummi Indian Tribe w/ map and	PLUM 003 3718-3723	Ecology Water Assoc		

### Draft Master Plaintiff/Defendant Exhibit Matrix

Plaintiff Exhibit No.	Description of Exhibits	Bates No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	BIA Title Status Report		Homeowners		
194.	Statutory Warranty Deed conveying Stone property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3728-3730	Ecology Water Assoc Homeowners		
195.	Statutory Warranty Deed conveying title to Sam and Mary Helen Cagey/Beck Property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3731-3733	Ecology Water Assoc Homeowners		
196.	Statutory Warranty Deeds conveying title to Henry Garrison/Neighborhood Facility to Lummi Business Council w/ Deed conveying title to Lummi Business Council and Garipee property to Lummi Indian Reservation, map, BIA Title Status Report, Deed conveying title to Garrison property to Lummi Indian Tribe, Deed conveying title to Garrison property to Lummi Business Council	PLUM 003 3734-3749	Ecology Water Assoc Homeowners		
197.	Statutory Warranty Deed conveying title to Hammes/1/200th interest in Reserve Tract A - Gooseberry Point to Lummi Indian Tribe	PLUM 003 3750	Ecology Water Assoc Homeowners		
198.	Quit Claim Deed conveying title to Wallace Oliver Jones, Marion Lee Jones and Diane Jones property to Gordon H. Jones and Mary Ellen Jones w/ maps; Amended Statutory Warranty Deed conveying title to Jones' property to United States of America in Trust for Lummi Indian Tribe and maps; Statutory Warranty Deed conveying title to Fisherman's Cove Acquisition - Jones to United States of America in Trust for Lummi Indian Tribe and maps	PLUM 003 3758-3773	Ecology Water Assoc Homeowners		
199.	Statutory Warranty Deed conveying title to Washington State Indian Council on Aging/Tahosa Shores property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3774-3775	Ecology Water Assoc Homeowners		
200.	Letter dated July 25, 2002 from Keller to Bush w/ Quit Claim Deed re Estate of Rush Chase conveying title to Mary Jensen property to Lummi Indian Business Council w/ map	PLUM 003 3789-3792	Ecology Water Assoc Homeowners		
201.	Statutory Warranty Deed conveying title to HUD Secretary/J102151 Postal Avenue property to Lummi Nation	PLUM 003 3793-3794	Ecology Water Assoc		

### Draft Master Plaintiff/Defendant Exhibit Matrix

Plaintiff Exhibit No.	Description of Exhibits	Bates No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
			Homeowners		
202.	Special Warranty Deed conveying title to Mormon Church Acquisition property to United States of America in Trust for Lummi Indian Tribe	PLUM 003 3795-3797	Ecology Water Assoc Homeowners		
203.	Quit Claim Deed conveying title to Irene Freeman/East of Haxton Behind 342204 property to Lummi Nation	PLUM 003 3798	Ecology Water Assoc Homeowners		
204.	Statutory Warranty Deed conveying title to Wayne Land to Lummi Indian Business Council	PLUM 003 3799-3800	Ecology Water Assoc Homeowners		
205.	Statutory Warranty Deed conveying title to R. & J. Jefferson/2598 Lummi Shore Road property to Lummi Indian Business Council	PLUM 003 3801-3802	Ecology Water Assoc Homeowners		
206.	Statutory Warranty Deed conveying title to Fisherman's Cove Store property to United States of America in Trust for Lummi Indian Tribe	PLUM 003 3803-3804	Ecology Water Assoc Homeowners		
207.	Statutory Warranty Deed conveying title to United States of America in Trust for Lummi Indian Tribe property to Lummi Indian Tribe w/ Statutory Warranty Deed conveying title to Georgia Manor/M. & M. Kurtz property to Lummi Indian Tribe	PLUM 003 3805-3806	Ecology Water Assoc Homeowners		
208.	Statutory Warranty Deed conveying title to Noland, Williams, et al property to United States of America in Trust for Lummi Indian Tribe	PLUM 003 3807-3812	Ecology Water Assoc Homeowners		
209.	Statutory Warranty Deed conveying title to Aloha Lumber property to Lummi Indian Business Council	PLUM 003 3813-3814	Ecology Water Assoc Homeowners		
210.	Quit Claim Deed conveying title to Whatcom County/Ferry Dock Lease Transfer property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3815-3816	Ecology Water Assoc Homeowners		
211.	Quit Claim Deed conveying title to Whatcom County/Ferry Dock Lease Transfer property to United States of America in Trust for Lummi Indian Tribe w/ map	PLUM 003 3817-3820	Ecology Water Assoc Homeowners		
212.	Statutory Warranty Deed conveying title to Olsen property	PLUM 003 3821-	Ecology		

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Plaintiff Exhibit No.</b>	<b>Description of Exhibits</b>	<b>Bates No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
	to United States of America in Trust for Lummi Indian Tribe w/ map	3823	Water Assoc Homeowners		
213.	Deeds conveying title to Mackenzie Property to Lummi Indian Nation	PLUM 003 3824-3834	Ecology Water Assoc Homeowners		
214.	99-year Lease by Lummi Indian Tribe of 20 acres of unimproved land off the Cagey Road w/ Resolution No. 88-16 of the Lummi Indian Business Council	PLUM 003 3835-3842	Ecology Water Assoc Homeowners		
215.	Deed conveying title to Kinley property to Lummi Tribe w/ map	PLUM 003 3843-3846	Ecology Water Assoc Homeowners		
216.	Deed conveying title to Ball Field/M. & G. Garipee property to United States in Trust for Lummi Indian Nation	PLUM 003 3847-3848	Ecology Water Assoc Homeowners		
217.	Real Estate Contract for Sale of Restricted Indian Land re: Haas property	PLUM 003 3849-3853	Ecology Water Assoc Homeowners		
218.	Statutory Warranty Deed conveying title to Kristiansen Property/Sludge Site to United States of America in Trust for Lummi Indian Tribe	PLUM 003 3854	Ecology Water Assoc Homeowners		
219.	Deed conveying title to Neighborhood Facility/Henry Garrison property to United States of America in Trust for Lummi Tribe w/ map	PLUM 003 3855-3858	Ecology Water Assoc Homeowners		
220.	Real Estate Contract re: the Property adjacent to MacKenzie Property between Adams and Lummi Tribe w/ Statutory Warranty Deeds conveying title to Adams property to Lummi Tribe	PLUM 003 4367-4370	Ecology Water Assoc Homeowners		
221.	Water Right Allocation Status Map, Exhibit 185 to Bucknell Deposition.		Ecology	Water Assoc Homeowners	

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
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### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
<b>Ecology Exhibits</b>					
A1.	Friday Deposition Exhibit No. 3 Professional Services Contract between NEA and Chris Friday	PNEA003-0938 to 0942	Lummi United States	Water Assoc Homeowners	
A2.	Friday Deposition Exhibit No. 4 Correspondence from Chris Friday to Daniel Boxberger dated 6/28/02			Water Assoc Homeowners Lummi United States	
A3.	Friday Deposition Exhibit No. 5 Correspondence from Daniel Boxberger to Chris Friday dated 7/1/02	PFRI002-1193		Water Assoc Homeowners Lummi United States	
A4.	Friday Deposition Exhibit No. 8 National Indian Water Rights Project, An Analysis of Current and Pending Indian Water Rights Settlements	PFRI002-0477 to 0484		Water Assoc Homeowners Lummi United States	
A5.	Friday Deposition Exhibit No. 9 Duwamish, et al. v. USA Petition	PLUM004-2876 to 2885	Water Assoc Homeowners Lummi United States		
A6.	Lummi Indian Nation-Water Infrastructure Needs Assessment, Bureau of Reclamation, October, 1995	PASP005-2399 to 2412	Water Assoc Homeowners Lummi United States		
A7.	Lummi Nation Wellhead Program – Phase 1	PASP002-0255 to 0334	Lummi United States	Water Assoc Homeowners	
A8.	Deardorff Deposition Exhibit No. 1 NRCE Review of Initial Water Claim dated 4/19/00	PLUM004-1687 to 1690	Lummi United States	Water Assoc Homeowners	
A9.	Deardorff Deposition Exhibit No. 4 Resolution #2001-99 of the Lummi Indian Business Council titled “Lummi Nation Declaration of Economic Fisheries Disaster Area”	PNEA003-2147 to 2150	Water Assoc Homeowners	Lummi United States	
A10.	Deardorff Deposition Exhibit No. 6	PLUM003-5645 to	Water Assoc	Lummi	

## Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	Memo from Jewell James to Leroy Deardorff dated 2/24/94 re: Lummi Indian Reservation and the Nooksack Tribe	5647	Homeowners	United States	
A11.	A Brief History of the Nooksack River's Delta Distributaries dated 9/18/92	PLUM003-1235 to 1309	Water Assoc Homeowners	Lummi United States	
A12.	Deardorff Deposition Exhibit No. 12 Memo from Willy Lynch to Jeremy Freimund dated 11/27/01 re: Summary of Forest Type and Wetland Acreages on Peninsula Study Area	PASP003-0633	Water Assoc Homeowners Lummi United States		
A13.	Deardorff Deposition Exhibit No. 14 Resolution #98-62 "Authority to Evaluate the Nooksack Estuary Recovery Project"	PLUM003-1774 to 1775	Water Assoc Homeowners Lummi United States		
A14.	Deardorff Deposition Exhibit No. 15 Document from BIA Real Estate Services faxed 12/19/01		Water Assoc Homeowners	Lummi United States	
A15.	Deardorff Deposition Exhibit No. 17 Land Analysis-Portland Area, Acreage and Tenure, by State, Agency Jurisdiction and Reservation as of 12/31/54	DWIN 01890-01891	Water Assoc Homeowners Lummi United States		
A16.	M. Jefferson Deposition Exhibit No. 4 Legal Notice, Advertisement for Bids Lummi Natural Resources Pump Station Relocation Project No. 01065		Water Assoc Homeowners Lummi United States		
A17.	Constitution and By-Laws of the Lummi Tribe of the Lummi Reservation, Washington	PLUM007-788 to 797	Water Assoc Homeowners Lummi United States		
A18.	M. Jefferson Deposition Exhibit No. 26 Correspondence from G.I. James Sealh, Lummi Indian Business Council to Lummi Tribal Sewer and Water Board dated 8/27/90 re: Water Service from Tribal Water Systems	DWIN 01732	Water Assoc Homeowners Lummi United States		
A19.	Water Resources Inventory: Phase III, Discussion of Alternatives dated 8/81	PLUM003-3185 to 3210	Water Assoc Homeowners	Lummi United States	
A20.	James Deposition Exhibit No. 9 Correspondences from Tom Anderson, Whatcom County	PLUM007-0579-0581	Water Assoc Homeowners		

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	PUD to Merle Jefferson, Lummi Indian Nation dated 7/18/01 and 7/10/01		Lummi United States		
A21.	Title 17, Lummi Nation Code of Laws, Water Resources Protection Code, 2003 Public Hearing Draft,	PLUM005-2391 to 2436	Water Assoc Homeowners Lummi United States		
A22.	Mace Deposition Exhibit No. 15 Lummi Commercial Company Independent Auditor's Report and Financial Statements with Supplemental Information, December 31, 2002 and 2001	PLUM005-2437 to 2464 <b>Confidential Material</b>	Water Assoc Homeowners Lummi United States		
A23.	Lummi Commercial Company Independent Auditor's Report and Financial Statements with Supplemental Information , December 31, 2001 and 2000	PLUM005-2465 to 2487 <b>Confidential Material</b>	Water Assoc Homeowners Lummi United States		
A24.	Lummi Commercial Company Independent Auditor's Report and Combining Financial Statements, December 31, 2000	PLUM005-2488 to 2508 <b>Confidential Material</b>	Water Assoc Homeowners Lummi United States		
A25.	Lummi Mini-Mart, Fisherman's Cove and Lummi A&W Independent Auditor's Report and Combining Financial Statements, December 31, 1998	PLUM005-2509 to 2527 <b>Confidential Material</b>	Water Assoc Homeowners Lummi United States		
A26.	Lummi Mini-Mart, Fisherman's Cove, and Lummi A&W Independent Auditor's Report and Combining Financial Statements, December 31, 1999	PLUM005-2528 to 2547 <b>Confidential Material</b>	Water Assoc Homeowners Lummi United States		
A27.	Lummi Indian Business Council General purpose Financial Statements with Independent Auditor's Report for the Year Ended December 31, 2001	PLUM007-1537 to 1574 <b>Confidential Material</b>	Water Assoc Homeowners Lummi United States		
A28.	Lummi Indian Business Council Financial and Compliance Report Year Ended December 31, 2002	PLUM007-1583 to 1624 <b>Confidential Material</b>	Water Assoc Homeowners Lummi United States		

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
A29.	Lummi Indian Business Council Independent Auditor's Reports and Primary Government Financial Statements with Supplemental Information dated December 31, 2000	PLUM007-1488 to 1536 <b>Confidential Material</b>	Water Assoc Homeowners Lummi United States		
A30.	Title 34, Lummi Nation Code of Laws, Enrollment Code	PLUM007-767 to 787	Water Assoc Homeowners Lummi United States		
A31.	Lummi Nation Enrollment Office Total Blood Quantum Listing dated 4/8/04	PLUM007-2044 to 2116	Water Assoc Homeowners Lummi United States		
A32.	Lummi Nation Enrollment Office Address Listing of Zip Codes 98226 and 98248 dated 4/8/04	PLUM007-2117 to 2158	Water Assoc Homeowners Lummi United States		
A33.	Jefferson Deposition Exhibit No. 18 Table entitled Lummi Reservation Peninsula Tribal Properties dated 2/15/03	PLUM004-2887 to 2889	Water Assoc Homeowners Lummi United States		
A34.	Kent Deposition Exhibit No. 12 Memo from Richard Vanderhorst to Jeremy Freimund dated 6/15/00 re: Water Requirements for Lummi Seaponds Hatchery	PNEA003-0387 PLUM004-1629 to 1652	Lummi United States	Water Assoc Homeowners	
A35.	Waples Deposition Exhibit No. 14 Preliminary Irrigation System Design and Cost Estimates spreadsheets	PHKM001-1675 to 1680	Water Assoc Homeowners Lummi United States		
A36.	Riley Deposition Exhibit No. 96 Memorandum from Christian Langevin to Brian Drost dated 12/3/03 re: Review of the "Ground Water Model" section of the report titled "Lummi Peninsula Ground Water Investigation, Lummi Indian Reservation, Washington" by Aspect Consulting	PUSG002-0119 to 0123	Water Assoc Homeowners	Lummi United States	



### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
A37.	Drost Deposition Exhibit No. 99 One page e-mail from Christian Langevin to Brian Drost dated 12/18/02 re: Lummi report	PUSG002-0111	Water Assoc Homeowners	Lummi United States	
A38.	Drost Deposition Exhibit No. 100 Memo from Cynthia Barton, US Dept. of Interior, to William Sexton dated 1/7/03 re: Publications – Approval “Technical Review of Draft Report: Lummi Peninsula Ground Water Investigation, Lummi Indian Reservation, Washington,” by Brian Drost, Admin Report. WA-3018	PUSG002-0181	Water Assoc Homeowners	Lummi United States	
A39.	Drost Deposition Exhibit No. 101 Memo from Edmund Prych to Brian Drost dated 12/17/02 re: Publications – “Lummi Peninsula Ground Water Investigation, Lummi Indian Reservation, Washington” by Aspect Consulting, Preliminary Draft dated 6/19/02 with revisions up to 11/18/02	PUSG002-0124 to 0128	Water Assoc Homeowners	Lummi United States	
A40.	Drost Deposition Exhibit No.102 Excerpts from Selected Ground-Water Data for the Lummi Indian Reservation, Whatcom County, Washington, 1995 by B.W. Drost, USGS OFR 96-166, dated 1996	PLUM001-3991 to 3996	Water Assoc Homeowners Lummi United States		
A41.	Drost Deposition Exhibit No. 103 Memorandum of Understanding between the U.S. Geological Survey and the Bureau of Indian Affairs dated 7/97	PUSG002-0337 to 0339	Water Assoc Homeowners	Lummi United States	
A42.	Drost Deposition Exhibit No. 104 Memo from Mark Shaffer to Charles O’Connell dated 6/20/00 re: Lummi peninsula Ground Water Supply Estimate	PASP007-1637 to 1638	Water Assoc Homeowners Lummi United States		
A43.	Report on the Status of Water Resources and Water Rights Studies in the Nooksack River Basin, Washington, by NEA dated 4/29/99	PASP008-1363 to 1431	Water Assoc Homeowners Lummi United States		
A44.	Drost Deposition Exhibit No. 109 Map of Chloride Data Points		Water Assoc Homeowners Lummi		

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
			United States		
A45.	Well Rehabilitation Assessment – Lummi Tribal Water and Sewer District by AESI dated 11/29/99	PASP006-104 to 139	Water Assoc Homeowners Lummi United States		
A46.	Lummi Nation FY02 Application for Funding for Attorney Fees dated 12/11/01	PLUM001-2478 to 2521	Water Assoc Homeowners	Lummi United States	
A47.	Drost Deposition Exhibit No. 112 Map		Water Assoc Homeowners Lummi United States		
A48.	Greene Deposition Exhibit No. 118 Excerpt from Global Population Profile: 2002, pg. 22, Figure 10, by U.S. Census Bureau	DWIN 01904	Water Assoc Homeowners	Lummi United States	
A49.	Greene Deposition Exhibit No. 119 Excerpt from Global Population Profile: 2002, pg. 15, Figure 4, by U.S. Census Bureau	DWIN 01905	Water Assoc Homeowners	Lummi United States	
A50.	Greene Deposition Exhibit No. 120 Article entitled European Pension Systems Set to Collapse/Low Fertility Blamed dated 5/4/00	DWIN 01906	Water Assoc Homeowners	Lummi United States	
A51.	Greene Deposition Exhibit No. 121 Article entitled Slower population growth could have dual impact from U.S.A Today dated 3/18/04	DWIN 01907	Water Assoc Homeowners	Lummi United States	
A52.	Greene Deposition Exhibit No. 122 Excerpts from Census 2000 PHC-T-18. American Indian and Alaska Native Tribes in Washington: 2000, pgs. 1, 5	DWIN 01908-01909	Water Assoc Homeowners Lummi United States		
A53.	Greene Deposition Exhibit No. 123 Excerpts from U.S. Census 2000 Brief, The American Indian and Alaska Native Population: 2000, pgs. 1, 8, 9	DWIN 01910-01912	Water Assoc Homeowners Lummi United States		
A54.	Greene Deposition Exhibit No. 128 Article entitled Projecting Indian Populations for the Purpose of Determining Water Requirements:		Water Assoc Homeowners Lummi		

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
	Methodological Issues by Gretchen Greene, Michael Taylor and Teri Sawyer		United States		
A55.	Greene Deposition Exhibit No. 129 Estimating AIAN Migration on Indian Reservations in the Western United States by Gretchen Greene and Jeri Sawyer, dated 3/28/04		Water Assoc Homeowners Lummi United States		
A56.	Taylor, Mike Deposition Exhibit No. 138 Proposal for Expert Witness Services on Behalf of the Lummi Nation in U.S. on behalf of Lummi Nation v. State of Washington, Department of Ecology, et al.,	PDOJ001-0572 to 0577	Lummi United States	Water Assoc Homeowners	
A57.	Taylor, Mike Deposition Exhibit No. 141 Correspondence from Michael Taylor, NEA to Leroy Deardorff, Lummi Indian Business Council dated 5/30/00 and Memo from Michael Taylor to Charlie O'Connell, Nolan Shishido, Robert Fenton, Leroy Deardorff and Mark Shaffer dated 6/2/00 re: Lummi Wellhead Protection Zones Map	PNEA003-0382 to 0384	Water Assoc Homeowners Lummi United States		
A58.	McKusick Deposition Exhibit No. 149 Lummi – Department of Justice – LD46 Contract and Mod History 5 pgs.		Water Assoc Homeowners Lummi United States		
A59.	McKusick Deposition Exhibit No. 150 Amendment of Solicitation/Modification of Contract #20 dated 1/2/03		Water Assoc Homeowners Lummi United States		
A60.	McKusick Deposition Exhibit No. 151 Technical and Cost Proposal – Lummi Indian Reservation Water Resource Studies, NEA		Water Assoc Homeowners Lummi United States		
A61.	McKusick Deposition Exhibit No. 154 Amendment of Solicitation/Modification of Contract #12 dated 10/18/99 with attached Technical Proposal for Modification 12, Lummi Indian Reservation Water Resource Studies		Water Assoc Homeowners Lummi United States		

## Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
A62.	McKusick Deposition Exhibit No. 156 Population Support Capacity Study by Western Washington Indian Agency, dated 12/67	PFRI001-2253, 2254, 2256, 2259, 2260, 2261, 2262		Water Assoc Homeowners Lummi United States	
A63.	McKusick Deposition Exhibit No. 158 Facsimile from Bob, NEA to Skip Johnson dated 6/4/04 re: DOJ Contracts		Lummi United States	Water Assoc Homeowners	
A64.	McKusick Deposition Exhibit No. 159 Map 1 – Lummi Indian Reservation with Lummi Peninsula Case Study Area Boundary by NEA dated 2/03	PNEA003-0835	Water Assoc Homeowners Lummi United States		
A65.	Table entitled Lummi Water District Water Use – Lummi Peninsula (Gallons) provided by Lummi Nation in response to Ecology's First Interrogatory No. 12		Water Assoc Homeowners Lummi United States		
A66.	Resume of Kathy Lombardi	DECY006-12348 to 12355	Water Assoc Homeowners Lummi United States		
A67.	Resume of Robert Beeby	DECY006-12341 to 12347	Water Assoc Homeowners Lummi United States		
A68.	Memorandum from Kathy Lombardi and Robert Beeby to Tom Young, Barbara Markham and Dan Haller re: Rebuttal Conveyance Costs and Revisions to the PIA Determination for the Lummi Indian Nation dated 8/19/04	DECY008-19012	Water Assoc Homeowners	Lummi United States dependent on authors testifying	
A69.	Memorandum from Robert Beeby to Tom Young, Barbara Markham and Dan Haller re: Rebuttal of Land Clearing Costs, Land Class Suitability, and Payment Capacity Interest Rates dated 8/19/04	DECY008-19018 to 19019	Water Assoc Homeowners	Lummi United States dependent on authors testifying	
A70.	Small Reclamation Projects Act of 1956-Planning and Loan Application Phase, Bureau of Reclamation		Water Assoc Homeowners	Lummi United States	
A71.	Government of British Columbia, Ministry of Agriculture,	DECY007-14521 to	Water Assoc	Lummi	

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	Food, and Fisheries. Enterprise Budgets – Planning for Profit. Various crop enterprise budgets found at <a href="http://www.agf.gov.bc.ca/busmgmt/budgets">http://www.agf.gov.bc.ca/busmgmt/budgets</a>	14538 DECY007-14564 to 14565 DECY007-14605 to 14620 DECY007-14652 to 14655 DECY007-14689 to 14692 DECY007-14705 to 14720 DECY007-14797 to 14798 DECY007-14841 to 14842	Homeowners	United States	
A72.	National Agricultural Statistics Service, USDA. All Farm Index: Prices Received and Prices Paid, All Items, U.S., Annual. Available at <a href="http://www.usda.gov/nass/aggraphs/allprpd.htm">http://www.usda.gov/nass/aggraphs/allprpd.htm</a>	Referenced at DECY005-11410	Water Assoc Homeowners	Lummi United States	
A73.	Oregon State University (OSU) Extension Service, the OSU Department of Agriculture & Resource Economics. Enterprise budgets for a variety of crop and livestock operations. Available at <a href="http://eesc.oregonstate.edu/agcomwebfile/EdMat/EdmatIndexAg.html">http://eesc.oregonstate.edu/agcomwebfile/EdMat/EdmatIndexAg.html</a> .	DECY007-14539 to 14542 DECY007-14601 to 14604 DECY007-14679 to 14686 DECY007-14734 to 14737 DECY007-14756 to 14759 DECY007-14799 to 14805 DECY007-14849 to 14852 DECY007-14873 to 14879	Water Assoc Homeowners	Lummi United States	

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
A74.	Pacific Northwest Regional Extension Bulletin (Washington, Oregon, and Idaho). 1995. PNW356 High Yield Hybrid Poplar Plantations in the Pacific Northwest. Revised January 1995	DECY007-15898 to 15945	Water Assoc Homeowners	Lummi United States	
A75.	Public Utility District #1 of Whatcom County. 1998. Assessment of Alternatives for Provision of Potable Water to Whatcom County Locations by Public Utility District #1 of Whatcom County, Phase 2 Final Report with attachments. September 30, 1998	DECY008-18927 to 19007	Water Assoc Homeowners	Lummi United States	
A76.	Puget Sound Energy. 2003. Electricity Rates for Commercial, Industrial, and Lighting Customers. Available at <a href="http://www.pse.com">http://www.pse.com</a>	Referenced at DECY005-11410	Water Assoc Homeowners Lummi United States		
A77.	The Nooksack Valley Center for Sustainable Agriculture. 2002. Whatcom County Farm Map & Guide, 2002; U-Pick Farms, Roadside Stands, Farmers' Markets, Farm Events, Local Fairs, and Available Products.	Referenced at DECY005-11410	Water Assoc Homeowners Lummi United States		
A78.	U.S. Department of Agriculture. 1994. Washington State Irrigation Guide, updates for various sections at various dates.	Referenced at DECY005-11410	Water Assoc Homeowners	Lummi United States	
A79.	1997. Census of Agriculture. Whatcom County Crop and Livestock Statistics	Referenced at DECY005-11411	Water Assoc Homeowners	Lummi United States	
A80.	U.S. Department of Agriculture-Natural Resources Conservation Service in cooperation with Washington State Department of Natural Resources and the Washington State University, Agriculture Research Center. 1992 Soil Survey of Whatcom County Area, Washington.	Referenced at DECY005-11411	Water Assoc Homeowners	Lummi United States	
A81.	USDA-NRCS. 2000. Field Office Technical Guide, Section 1: Oregon Conservation Practice/Component Cost List. October 2000.	DECY007-18096 to 18132	Water Assoc Homeowners	Lummi United States	
A82.	USDA-NRCS Soil Survey Division. National Soil Survey Geographic Database (SSURGO 2002). <a href="http://www.ftw.nrcs.usda.gov/ssur_data.html">http://www.ftw.nrcs.usda.gov/ssur_data.html</a>	Referenced at DECY005-11411	Water Assoc Homeowners	Lummi United States	
A83.	U.S. Department of the Interior, Bureau of Reclamation,	Referenced at	Water Assoc	Lummi	

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	Technical Services Center. Reclamation Instructions, Series 510, Land Classification Techniques and Standards.	DECY005-11411	Homeowners	United States	
A84.	Washington Agriculture Statistics Service. Washington State Agriculture Statistics Service data for Whatcom County and the State of Washington. <a href="http://www.nass.usda.gov/wa/homepage.htm">http://www.nass.usda.gov/wa/homepage.htm</a>	Referenced at DECY005-11411	Water Assoc Homeowners	Lummi United States	
A85.	Washington State University, Cooperative Extension Service for Whatcom County. Enterprise budgets for a variety of crop and livestock operations. <a href="http://pubs.wsu.edu/cgi-bin/pubs/index.html">http://pubs.wsu.edu/cgi-bin/pubs/index.html</a>	DECY007-14543 to 14559 DECY007-14621 to 14637 DECY007-14658 to 14668 DECY007-14721 to 14733 DECY007-14738 to 14753 DECY007-14760 to 14775 DECY007-14780 to 14790 DECY007-14813 to 14836 DECY007-14880 to 14926	Water Assoc Homeowners	Lummi United States	
A86.	Washington State University, Cooperative Extension Service. April 7-9, 1999 Symposium Proceedings. Hybrid poplars in the Pacific Northwest: Culture, Commerce and Capacity	DECY007-15653 to 15762	Water Assoc Homeowners	Lummi United States	
A87.	Demonstrative Exhibits from SAIC report (to be prepared)			Water Assoc Homeowners Lummi United States	
A88.	Demonstrative Exhibit comparing PIA water quantity with tribal and non-tribal water usage (to be prepared)			Water Assoc Homeowners	

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
				Lummi United States	
A89.	Vita of Kent Richards dated 12/03	DECY005-11480 to 11491	Water Assoc Homeowners Lummi United States		
A90.	The Lummi Reservation: Primary Purpose and Temporary Character by Kent Richards, 9/15/03	DECY005-10436 to 10476	Water Assoc Homeowners	Lummi United States	
A91.	Treaty with the Omaha, 1854	DECY005-10518 to 10521	Water Assoc Homeowners Lummi United States		
A92.	Treaty with the Rogue River, 1853	DECY005-10523 to 10525	Water Assoc Homeowners Lummi United States		
A93.	Correspondence from Charles Mix to Isaac Stevens dated 8/30/1854	DECY005-10591 to 10594	Water Assoc Homeowners Lummi United States		
A94.	Correspondence from Isaac Stevens to George Manypenny dated 12/30/1854	DECY005-10624 to 10631	Water Assoc Homeowners Lummi United States		
A95.	Correspondence from Isaac Stevens to George Manypenny dated May 11, 1855	DECY005-10633 to 10635	Water Assoc Homeowners Lummi United States		
A96.	Report on the Condition of Indian Reservations in the Territories of Oregon and Washington, J. Ross Browne dated 11/17/1857	DECY005-10669 to 10716	Water Assoc Homeowners Lummi United States		
A97.	Correspondence from Edward Geary to Michael Simmons dated 8/31/1860	DECY005-10718 to 10722	Water Assoc Homeowners		



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			Lummi United States		
A98.	Correspondence from C.C. Finkbonner to E.C. Chirouse dated 3/10/1873	DECY005-11182 to 11185	Water Assoc Homeowners Lummi United States		
A99.	Correspondence from E.C. Chirouse to Commission of Indian Affairs dated 11/25/1874	DECY005-11203 to 11204	Water Assoc Homeowners Lummi United States		
A100.	Commission of Indian Affairs Annual Report, 1878	DECY005-11236 to 11239	Water Assoc Homeowners Lummi United States		
A101.	Correspondence from Charley Jules, et al. to Our Dear Fathers dated 3/10,1879	DECY005-11250 to 11259	Water Assoc Homeowners	Lummi United States	
A102.	Treaty with the Makah		Water Assoc Homeowners Lummi United States		
A103.	Treaty with the Yakima		Water Assoc Homeowners Lummi United States		
A104.	Treaty of Point No Point		Water Assoc Homeowners Lummi United States		
A105.	Treaty with the Crow		Water Assoc Homeowners Lummi United States		
A106.	Hood Deposition Exhibit No. 160 Expert Report of Steve Hood	DECY005-11374 to 11376	Water Assoc Homeowners	Lummi United States	

### Draft Master Plaintiff/Defendant Exhibit Matrix

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				dependent on author testifying	
A107.	Cochrane, M. ongoing. Bacteria results from the Northwest Indian College Lab transmitted either directly via email or downloaded from their web site at <a href="http://nwic-research.org/">http://nwic-research.org/</a> (this is referenced in the expert report of Steve Hood)		Water Assoc Homeowners Lummi United States		
A108.	Hallock, D. 2002, Water Quality Assessment of the Nooksack River between Brennan and North Cedarville. Ecology Publication 02-03-037	PHKM001-1242 to 1268	Water Assoc Homeowners Lummi United States		
A109.	Hood, S. 2002. Nooksack River Watershed Bacteria Total Maximum Daily Load – Detailed Implementation Plan. Ecology Publication 01-10-060.	DECY008-18845 to 18898	Water Assoc Homeowners Lummi United States		
A110.	Hood, S, 2003. Final NB APPB 3Q2003.pdf (this is referenced in the expert report of Steve Hood)	DECY008-18907 to 18914	Water Assoc Homeowners Lummi United States		
A111.	Hood, S. and Joy, J. 2000. Nooksack River Watershed Bacteria Total Maximum Daily Load – Submittal Report, Ecology Publication. 00-10-036	PHKM001-0117 to 0169	Water Assoc Homeowners Lummi United States		
A112.	Nazy Deposition Exhibit No.247 Dave Nazy Summary of Qualifications	DECY005-11491 to 11492	Water Assoc Homeowners Lummi United States		
A113.	Dan Haller Resume	DECY005-11493	Water Assoc Homeowners Lummi United States		
A114.	Memorandum from Dan Haller to Barbara Markham and Tom Young dated 8/9/04 re: Water Use Planning and Demand Analysis	DECY008-19008 to 19011	Water Assoc Homeowners	Lummi United States dependent on author testifying	

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A115.	Haller Deposition Exhibit No. 175 Memo from Dan Haller to Kathy Lombardi, Robert Beeby, Tom Young, Barbara Markham, Dave Nazy and Andy Dunn dated 11/17/03 re: Water Use Planning and Demand Analysis	DECY005-11358 to 11373	Water Assoc Homeowners Lummi United States		
A116.	State of Washington Irrigation Guide, 1985, Supplemented 1990	DECY001-197 to 395	Water Assoc Homeowners Lummi United States		
A117.	Irrigation Requirements for Washington, Estimates and Methodology, 1982, republished 2003		Water Assoc Homeowners Lummi United States		
A118.	Association of Washington Cities Utility Report 2002		Water Assoc Homeowners Lummi United States		
A119.	Association of Washington Cities Utility Report 2003		Water Assoc Homeowners Lummi United States		
A120.	Department of Health Water System Design Manual, 2001 Chapters 5 and 12	PHKM001-1437 to 1512	Water Assoc Homeowners Lummi United States		
A121.	1999 Lummi Water Report		Water Assoc Homeowners Lummi United States		
A122.	USGS Whatcom County Public Water System Report		Water Assoc Homeowners Lummi United States		
A123.	Statement of Qualifications for Theresa Lowe and Donald	DECY005-11479	Water Assoc		

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	Pittenger dated 1/5/02		Homeowners Lummi United States		
A124.	Lowe Deposition Exhibit No. 195 Memo from Theresa Lowe and Donald Pittenger to Tom Young and Barbara Markham dated 09/17/03 re: Comments on 1) Review of the Population Projection Prepared by Northwest Economic Associates Related to the Lummi Nation Water Rights Case and 2) Review of the Lummi Reservation Projection by SAIC	DECY005-11452 to 11457	Water Assoc Homeowners	Lummi United States dependent on authors testifying	
A125.	Lowe Deposition Exhibit No. 197 Memo from Theresa Lowe and Donald Pittenger to Tom Young and Barbara Markham dated 10/16/03 re: Addendum to the September 17, 2003 Comments on 1) Review of the Population Projection Prepared by Northwest Economic Associates Related to the Lummi Nation Water Rights Case and 2) Review of the Lummi Reservation Projection by SAIC	DECY005-11477 to 11478	Water Assoc Homeowners	Lummi United States dependent on authors testifying	
A126.	Lowe Deposition Exhibit No. 199 Provisional Projections of the State Population by Age, Gender and Race/Ethnicity: 2000-2003, dated 9/03		Water Assoc Homeowners Lummi United States		
A127.	National Center for Health Statistics. 2003. Revised Birth and Fertility Rates for the 1990s and New Rates for Hispanic Populations, 2000 and 2001 Volume 51, No. 12, August 4, 2003.	Referenced at DECY005-11478	Water Assoc Homeowners Lummi United States		
A128.	OFM Research Brief No. 12 Understanding Census 2000: Race Category Changes and Comparisons, Washington State Office of Financial Management, page 3.	Referenced at DECY005-11456	Water Assoc Homeowners	Lummi United States	
A129.	Smith, S.K., J. Tayman, and D.A. Swanson. 2001 State and Local Population Projections: Methodology and Analysis	Referenced at DECY005-11474	Water Assoc Homeowners	Lummi United States	
A130.	Demonstrative exhibit showing the General Effects of Size and Horizon Length in Population Projection. Source: Table 13.7 from Smith, S.K., J. Tayman, and D.A. Swanson.		Water Assoc Homeowners	Lummi United States	

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	2001 State and Local Population Projections: Methodology and Analysis				
A131.	Mike Taylor Excel Spreadsheets re: Irrigation System Design and Cost Estimates	to be assigned	Water Assoc Homeowners Lummi United States		
A132.	Demonstrative exhibit showing PIA acres calculated by SAIC vs. arable land calculated by NEA (to be prepared)			Water Assoc Homeowners Lummi United States	
A133.	Deposition of Greg Argel			Water Assoc Homeowners Lummi United States	
A134.	Deposition of Ray Armstrong dated 5/26/04			Water Assoc Homeowners Lummi United States	
A135.	Deposition of Leroy Deardorff dated 9/15/03			Water Assoc Homeowners Lummi United States	
A136.	Deposition of Brian Drost dated 6/3/04			Water Assoc Homeowners Lummi United States	
A137.	Deposition of Jeremy Freimund dated 9/9/03 and 12/16/03			Water Assoc Homeowners Lummi United States	
A138.	Deposition of Chris Friday dated 3/27/03			Water Assoc Homeowners Lummi United States	

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A139.	Deposition of Gretchen Greene dated 6/7/04			Water Assoc Homeowners Lummi United States	
A140.	Deposition of Paul Hamai dated 6/29/04			Water Assoc Homeowners Lummi United States	
A141.	Deposition of Gerald James dated 12/16/03			Water Assoc Homeowners Lummi United States	
A142.	Deposition of Merle Jefferson dated 10/6/03			Water Assoc Homeowners Lummi United States	
A143.	Deposition of Richard Jefferson dated 1/13/04			Water Assoc Homeowners Lummi United States	
A144.	Deposition of Vela Kamkoff dated 1/13/04			Water Assoc Homeowners Lummi United States	
A145.	Deposition of Paula Kent dated 5/26/04			Water Assoc Homeowners Lummi United States	
A146.	Deposition of Joseph Mace dated 1/13/04			Water Assoc Homeowners Lummi United States	
A147.	Deposition of Robert McKusick date 6/9/04			Water Assoc Homeowners	

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				Lummi United States	
A148.	Deposition of Woldezion Mesghinna dated 6/28/04			Water Assoc Homeowners Lummi United States	
A149.	Deposition of Erick Miller dated 4/30/04			Water Assoc Homeowners Lummi United States	
A150.	Deposition of Mike Riley dated 6/2/04			Water Assoc Homeowners Lummi United States	
A151.	Deposition of Andrew Ross dated 8/28/03			Water Assoc Homeowners Lummi United States	
A152.	Deposition of Mark Shaffer dated 4/29/04 and 4/30/04			Water Assoc Homeowners Lummi United States	
A153.	Deposition of Marc Taylor dated 2/11/04			Water Assoc Homeowners Lummi United States	
A154.	Deposition of Mike Taylor dated 6/8/04			Water Assoc Homeowners Lummi United States	
A155.	Deposition of Ross Waples dated 5/27/04			Water Assoc Homeowners Lummi United States	

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A156.	Community Meeting to Discuss Proposed New NWIC Campus Site from Armstrong Deposition, Exhibit 2	PHKM001-1891 to 1894	Lummi United States	Water Assoc Homeowners	
A157.	Facsimile cover page from Jeremy Freimund to Gretchen Greene dated 8/12/02 re: Information on Commercial Water Uses from Armstrong Deposition, Exhibit 2	PHKM001-1899	Lummi United States	Water Assoc Homeowners	
A158.	HKM Telephone conversation record dated 11/6/02 between Ray Armstrong and Mike Taylor from Armstrong Deposition, Exhibit 2	PHKM001-1945	Lummi United States	Water Assoc Homeowners	
A159.	Handwritten HKM notes re: Purchase of Bellingham from Armstrong Deposition, Exhibit 2	PHKM001-2018 to 2019	Lummi United States	Water Assoc Homeowners	
A160.	Interlocal Water Agreement Lummi Tribal Water and Sewer District Water Service dated 1/12/90 from Armstrong Deposition, Exhibit 2	PHKM001-2024 to 2025	Lummi United States	Water Assoc Homeowners	
A161.	City of Bellingham Ordinance No. 2000-09-058 from Armstrong Deposition Exhibit 2	PHKM001-2026 to 2030	Lummi United States	Water Assoc Homeowners	
A162.	Table titled Lummi – 2.6 MGD Surface Water Treatment Facility Estimate of Capital Cost from Armstrong Deposition Exhibit 2	PHKM001-2046	Lummi United States	Water Assoc Homeowners	
A163.	Table titled Lummi – 2.6 MGD Surface WTP Operation & Maintenance Costs from Armstrong Deposition Exhibit 2	PHKM001-2047	Lummi United States	Water Assoc Homeowners	
A164.	Table titled Table 1 – Lummi Surface Water Treatment Plant – Life Cycle Cost from Armstrong Deposition Exhibit 2	PHKM001-2048	Lummi United States	Water Assoc Homeowners	
A165.	Bucknell Deposition Exhibit No. 188 Memo from Dave Nazy to Dan Swenson and Jim Bucknell dated 3/3/00 re: Review of Hydrogeologic Data Near the Bel Bay Development	DECY001-3113 to 3116	Lummi United States	Water Assoc Homeowners	
A166.	Lummi Planning Department Land Use Permit Application No. 97-95 and related documents	PLUM007-2186 to 2197	Lummi United States	Water Assoc Homeowners	
A167.	Lummi Planning Department Land Use Permit Application No.00-042 and related documents	PLUM007-0185 to 0199	Lummi United States	Water Assoc Homeowners	
A168.	Lummi Planning Department Land Use Permit Application No. 01-021 and related documents	PLUM007-0378 to 0391	Lummi United States	Water Assoc Homeowners	
A169.	Lummi Planning Department Land Use Permit Application	PLUM007-0252 to	Lummi	Water Assoc	



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	No. 01-041 and related documents	0260	United States	Homeowners	
A170.	Lummi Planning Department Land Use Permit Application No. 01-072 and related documents	PLUM007-0314 to 0322	Lummi United States	Water Assoc Homeowners	
A171.	Lummi Planning Department Land Use Permit Application No. 02-017 and related documents	PLUM007-0353 to - 366	Lummi United States	Water Assoc Homeowners	
A172.	Lummi Planning Department Land Use Permit Application No. 02-047 and related documents	PLUM007-0454 to 0472	Lummi United States	Water Assoc Homeowners	
A173.	Joy, J. 2000. Lower Nooksack River Basin Bacteria Total Maximum Daily Load Evaluation. Ecology Publication No. 00-03-006	PHKM001-0030 to 0116	Water Assoc Homeowners Lummi United States		
A174.	The Overall Economic Development Plan of the Lummi Indian Nation, 1995	PLUM003-4839 to 4877	Lummi United States	Water Assoc Homeowners	
A175.	The New OEDP 1999: Lummi Nation Economic Development Imperative & 20-Year Plan, August 1, 1998	PLUM003-4671 to 4838	Lummi United States	Water Assoc Homeowners	
A176.	The New OEDP 2000: Lummi Nation Economic Development Imperative & 20-Year Plan, June 30, 1999	PLUM003-4593 to 4670	Lummi United States	Water Assoc Homeowners	
A177.	2002 Lummi Nation Comprehensive Economic Development Strategy C.E.D.S., July 31, 2002	PLUM003-4520 to 4574	Water Assoc Homeowners Lummi United States		
A178.	Lummi Nation Comprehensive Environmental Land Use Plan: Background Document, April 1996	PLUM004-68 to 170	Water Assoc Homeowners Lummi United States		
A179.	Argel Deposition Exhibit No. 4 Indian Land Sale Under the Supervision of the Interior United States Indian Service, 1928		Water Assoc Homeowners		Lummi United States
A180.	Annual Reports of Acreages 1971 to 2003	PBIA003-1 to 38	Water Assoc Homeowners Lummi United States		
A181.	Water Rights and Water Use in Water Resources Inventory Area 01, Washington, 11/14/95	PLUM001-3484 to 3525	Water Assoc Homeowners		

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			Lummi United States		
A182.	Comprehensive Water Development Plan for the Lummi Indian Nation, 2/17/96	PLUM002-4759 to 4821	Water Assoc Homeowners Lummi United States		
A183.	Summary of Water Needs of the Lummi Indian Nation, 4/8/96	PLUM002-4867 to 4886	Water Assoc Homeowners Lummi United States		
A184.	Special Masters Report from Arizona vs. California, 1982		Water Assoc Homeowners	Lummi United States	
A185.	Lummi Peninsula Property List (Updated), 7/2/04	PLUM008-0615 to 0617	Water Assoc Homeowners Lummi United States		
A186.	Memo from Alan Chapman to Merle Jefferson dated 4/15/04 re: Annual Lummi Landings Summary	PLUM007-4207 to 4209	Water Assoc Homeowners Lummi United States		
A187.	Table regarding Fisheries Sales and Tax Revenues 2001-2003, 4/28/04	PLUM007-4206	Water Assoc Homeowners Lummi United States		
A188.	Correspondence from Leroy Deardorff to Fred and June Filbert dated 10/22/93 re: Lummi Nation Water Availability Policy	PLUM007-2202	Water Assoc Homeowners Lummi United States		
A189.	Resolution #2001-039 Of The Lummi Indian Business Council	PLUM007-1625 to 1629	Water Assoc Homeowners Lummi United States		
A190.	E-mail from Jeremy Freimund to Mark Shaffer and Erick Miller dated 8/30/02 re: Lummi Peninsula Wells and	PLUM007-0878 to 0879	Water Assoc Homeowners		

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
	Chlorides and attached memo		Lummi United States		
A191.	Correspondence from Samuel Cagey to Mr. and Mrs. Robert Tozer dated 3/29/90 re: Application for Water Verification	PLUM003-5251	Water Assoc Homeowners Lummi United States		
A192.	Ooms Permit Documents		Water Assoc Homeowners		Lummi United States
A193.	Correspondence from Richard Grout, Department of Ecology to J.E. Ryan, Whatcom County dated 5/11/00 re: Building Permits on the Lummi Peninsula	PLUM002-4144 to 4148	Water Assoc Homeowners Lummi United States		
A194.	Press release dated 10/27/03. Water Quality In Nooksack River improves Dept. of Health Approves Reopening Portage Bay Shellfish beds.		Water Assoc Homeowners	Lummi United States	
A195.	Preliminary Review Draft: WRIA 1 Watershed Management Plan-Phase 1. Appendix I.1		Water Assoc Homeowners Lummi United States		
A196.	Correspondence from Hedia Adelman to Verne Johnson dated February 9, 1993 regarding Georgia Manor Water Association's new well.	DECY008-19022 to 19024	Water Assoc Homeowners Lummi United States		
<b>Water Assoc. Exhibits</b>					
A197.	Two page Letter from the BIA to Mark Shaffer dated June 24, 1997 Shaffer Dep. Ex. No. 1	(PBIA 002 5229-5230)	Water Assoc Homeowners Lummi United States		
A198.	Associated Earth Sciences Scope of Work dated June 27, 1997, Shaffer Dep. Ex. No. 2	(PBIA 002 4186-4196)	Water Assoc Homeowners Lummi United States		

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
A199.	Letter dated July 29, 1997 from AES to Gloria Gulbertson Shaffer Dep. Ex. No. 3	(PBIA 002 4151-4152	Water Assoc Homeowners Lummi United States		
A200.	Letter dated July 31, 1997 from Gulbertson to Shaffer Shaffer Dep. Ex. No. 4	(PBIA 002 4162	Water Assoc Homeowners Lummi United States		
A201.	Letter dated July 31, 1997 from Shaffer and Miller to Vanderburg Shaffer Dep. Ex. No. 6	(PBIA 002 4173-4175	Water Assoc Homeowners Lummi United States		
A202.	ASPECT Invoice No 2669 dated 11/15/02 Shaffer Dep. Ex. No 8	(PBIA 002 4793	Water Assoc Homeowners Lummi United States		
A203.	Letter dated January 31, 2002 from Shaffer to Cheryl Rose Shaffer Dep. Ex. No. 9	(PDOJ 001 0500-0505	Water Assoc Homeowners Lummi United States		
A204.	Letter dated February 11, 1998 from Shaffer and Miller to Robert Fenton Shaffer Dep. Ex. No. 11	(PBIA 002 4572-4576	Water Assoc Homeowners Lummi United States		
A205.	Memo from Mark Shaffer and Erick Miller to Robert Fenton dated February 11, 1998, Ex. No 11 to Shaffer deposition	PBIA 0034572	Water Assoc Homeowners Lummi United States		
A206.	September 11, 2001 e-mail from Shaffer to Miller and Bannister Shaffer Dep. Ex. No.15	PASP 008 0214	Water Assoc Homeowners	Lummi United States	
A207.	October 1, 2001 e-mail from Miller to Shaffer Shaffer Dep. Ex. No.16	PASP 008 0222	Water Assoc Homeowners	Lummi United States	
A208.	October 16, 2001 e-mail from Shaffer to Riley Shaffer Dep. Ex. No.18	PASP 008 0227	Water Assoc Homeowners	Lummi United States	

### Draft Master Plaintiff/Defendant Exhibit Matrix

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A209.	November 16, 2001 e-mail from Bannister to Riley Shaffer Dep. Ex. No.19	PASP 008 0233	Water Assoc Homeowners	Lummi United States	
A210.	December 10, 2001 e-mail from Miller to Bannister Shaffer Dep. Ex. No. 21	PASP 008 0246	Water Assoc Homeowners	Lummi United States	
A211.	March 3, 2002 e-mail from Bannister to Riley Shaffer Dep. Ex. No.22	PASP 008 0398	Water Assoc Homeowners	Lummi United States	
A212.	Technical Memorandum dated January 13, 1998, prepared for NEA by AES Shaffer Dep. Ex. No. 24* only selected portions may be used.	PASP 008 1432-1451	Water Assoc Homeowners Lummi United States		
A213.	October 13, 2002 e-mail from Shaffer to Riley Shaffer Dep. Ex. No. 25	PASP 008 1310	Water Assoc Homeowners	Lummi United States	
A214.	E-mail string between Shaffer and Bannister dated March 12 and 14, 2002 Riley Dep. Ex. No. 75	PASP 008 0441	Water Assoc Homeowners	Lummi United States	
A215.	E-mail dated March 28, 2002 from Bannister to Riley Riley Dep. Ex. No. 77	PASP 008 0528	Water Assoc Homeowners	Lummi United States	
A216.	April 2, 2002 e-mail from Shaffer to Riley Shaffer Dep. Ex. No. 26	PASP 008 0560	Water Assoc Homeowners	Lummi United States	
A217.	April 20, 2002 e-mail from Miller to Riley, Shaffer and Bannister Shaffer Dep. Ex. No. 27	PASP 008 0628	Water Assoc Homeowners		
A218.	April 2, 2002 e-mail from Bannister to Shaffer and Miller Shaffer Dep. Ex. No. 28	PASP 008 0565	Water Assoc Homeowners	Lummi United States	
A219.	April 7, 2002 e-mail from Bannister to Riley Shaffer Dep. Ex. No. 29	PASP 008 0610	Water Assoc Homeowners	Lummi United States	
A220.	April 9, 2002 e-mail from Miller to Freimund Shaffer Dep. Ex. No. 30	PASP 008 0619	Water Assoc Homeowners	Lummi United States	
A221.	E-mail string between Shaffer and Riley dated May 1, 2002 Shaffer Dep. Ex. No. 31	PASP 008 0703	Water Assoc Homeowners	Lummi United States	
A222.	E-mail string between Shaffer and Riley on June 9 & 10, 2002 Shaffer Dep. Ex. No. 32	PASP 008 0948	Water Assoc Homeowners	Lummi United States	
A223.	August 8, 2002 e-mail from Bannister to Shaffer and Miller Shaffer Dep. Ex. No. 34	PASP 008 1067	Water Assoc Homeowners	Lummi United States	
A224.	September 17, 2002 e-mail from Shaffer to Riley Shaffer Dep. Ex. No. 36	PASP 008 1245	Water Assoc Homeowners	Lummi United States	

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
A225.	October 15, 2002 e-mail from Riley to Shaffer, Miller and Waples Shaffer Dep. Ex. No. 37	PASP 008 1330	Water Assoc Homeowners	Lummi United States	
A226.	E-mail dated April 10, 2002 from Miller to Riley, Shaffer and Bannister Riley Dep. Ex. No. 84	PASP 008 0628	Water Assoc Homeowners	Lummi United States	
A227.	E-mail string between Shaffer and Riley dated April 3 and 4, 2002 Riley Dep. Ex. No. 81	PASP 008 0593	Water Assoc Homeowners	Lummi United States	
A228.	April 4, 2002 e-mail from Shaffer to Riley Shaffer Dep. Ex. No. 41	PASP 008 0592	Water Assoc Homeowners	Lummi United States	
A229.	June 25, 2002 e-mail from Shaffer to Riley Shaffer Dep. Ex. No. 42	PASP 008 1017	Water Assoc Homeowners	Lummi United States	
A230.	E-mail string between Shaffer and Riley on May 3, 2002 Shaffer Dep. Ex. No. 43	PASP 008 0719	Water Assoc Homeowners	Lummi United States	
A231.	E-mail string between Riley and Miller on August 2, 2002 Shaffer Dep. Ex. No. 44	PASP 008 1071	Water Assoc Homeowners	Lummi United States	
A232.	E-mail from Riley to Bannister dated April 9, 2002 Riley Dep. Ex. No. 83	PASP 008 0621	Water Assoc Homeowners		
A233.	E-mail from Shaffer to Miller, Riley and Bannister dated April 17, 2002		Water Assoc Homeowners	Lummi United States	
A234.	E-mail from Shaffer to Riley dated May 3, 2002		Water Assoc Homeowners	Lummi United States	
A235.	Lummi Water Negotiation Technical Subcommittee Report dated July, 1996. This report was part of Shaffer Dep. Ex. No. 64	PASP 005 1530-1536	Lummi United States	Water Assoc Homeowners	
A236.	Freimund to Deardorff memo dated October 21, 1997 this memo was part of Shaffer Dep. Ex. No. 64	PASP 005 1526-1529	Water Assoc Homeowners Lummi United States		
A237.	USGS Report dated 1996 (open file 96-166) authored by B.C. Drost entitled "Selected Ground-Water Data for the Lummi Indian Reservation, Whatcom County, Washington, 1995" Drost Dep. Ex. No. 102* only selected portions may be used.	PUSG 001 0241-0264	Water Assoc Homeowners Lummi United States		
A238.	Article entitled "Improvements to SEAWAT and Applications of the Variable-Density Modeling Program in	PASP 008 1474-1480		Water Assoc Homeowners	

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	Southern Florida” by Guo, Langevin and Bennett			Lummi United States	
A239.	Plate No. 1 to Aspect’s rebuttal report Exhibit 49 to Mark Shaffer’s deposition. NOTE: Use of this exhibit is dependent upon Mr. Shaffer being qualified to testify as an expert and the admissibility of the reports prepared by Aspect. In addition, the Associations reserve the right to use as an exhibit any portion of the reports prepared by Aspect if those reports are admitted into evidence.	PASP008 2141	Lummi United States	Water Assoc Homeowners	
A240.	Well Log for Well 37	PASP 001 0632	Water Assoc Homeowners Lummi United States		
A241.	Seattle Times Article entitled “A tribe desperate to survive considers banishing its own” dated August 10, 2003 Greene Dep. Ex. No. 117		Water Assoc Homeowners	Lummi United States	
A242.	Lummi Nation Post Hearing Brief filed with the State of Washington Department of Health, Office of Professional Standards in RE: SANDY POINT IMPROVEMENT COMPANY Greene Dep. Ex. No. 132*only selected portions		Water Assoc Homeowners	Lummi United States	
A243.	Memo from Freimund to Shirley Jacobson. Freimund’s Sept 9, 2003 Dep. Ex. No. 1		Water Assoc Homeowners	Lummi United States	
A244.	United States Court of Claims Findings of Fact in Case No F-275, dated June 4, 1934 ( <b>SEE 295 US 755 S.CT. DENIED CERT.</b> )*Only portions may be used	PLUM 004 2835-2876	Water Assoc Homeowners Lummi United States		
A245.	Report entitled “Water Quality Programs, Problems and Expected Outcomes on the Lummi Indian Reservation” dated February 20, 2001 *Only portions may be used	PEPA 001 0051-0066	Water Assoc Homeowners Lummi United States		
A246.	Lummi Indian Reservation Wetland Management Program Technical Background Document dated March 2000 *Only portions may be used	PLUM 003 4971-5032	Water Assoc Homeowners Lummi		

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
			United States		
A247.	Affidavit of Harriet Beal, which was filed in Lummi Tribal Court on November 17, 1991. See Response to Defendant Associations First Set of Request for Admissions, No. 34, directed to the Lummi Nation.		Water Assoc Homeowners Lummi United States		
A248.	"Complaint for Temporary and Permanent Relief," filed by the Lummi Indian Business Council in Lummi Tribal Court on November 17, 1991 against the Georgia Manor Water Association.		Water Assoc Homeowners Lummi United States		
A249.	"TO FISH IN COMMON" by Daniel Boxberger, 2000 Edition with Forward by Chris Friday *Only portions may be used		Water Assoc Homeowners	Lummi United States	
A250.	"THE OMAHA TREATY OF 1854 AS A MODEL FOR THE STEVEN TREATIES" by Daniel L. Boxberger *Only portions may be used	PFRI 002 1228-1245	Water Assoc Homeowners	Lummi United States	
A251.	"THE ETHNO-HISTORY OF WESTERN WASHINGTON INDIANS IN THE NINETEENTH CENTURY" by Daniel L. Boxberger dated may 1993. This document was Exhibit No. D-473 in Case No 9213/89-3 brought in Federal Court, Western District of Washington.*Only portions may be used	DECY 004 000 6377-0000 6403	Water Assoc Homeowners	Lummi United States	
A252.	"THE LUMMI INDANS OF NORTHWEST WASHINGTON" by Bernhard J. Stern (Chapter 7). *Only portions may be used		Water Assoc Homeowners	Lummi United States	
A253.	Volume 7 "Northwest Coast," Wayne Suttles Volume Editor, Article entitled "History of Western Washington since 1846" by Cesare Marino. *Only portions may be used	PFRI 002 1523-1527	Water Assoc Homeowners	Lummi United States	
A254.	Untitled article produced by Chris Friday "Copyright 1977 by the Lummi Indian Business Council. All rights reserved."	PFRI 002 1196-1208	Water Assoc Homeowners	Lummi United States	
A255.	Sunset Water Association Groundwater Certificate No 10, dated May 22, 1964 for 75 gpm 35 acre feet per year for Community Domestic Supply	DECY 001-0000 3512	Water Assoc Homeowners Lummi United States		



### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
A256.	Service Area maps for Sunset and Boynton tracts (Exhibit 44 to Kris Heintz deposition)		Water Assoc Homeowners Lummi United States		
A257.	Water use records for Sunset Water Association (1000312-000329 together with pumping records for 2003		Water Assoc Homeowners Lummi United States		
A258.	Georgia Manor Ground Water Certificate No 6897-A dated June 30, 1970 for 20 gpm, 32 acre feet per year.		Water Assoc Homeowners Lummi United States		
A259.	Georgia Manor Superseding Certificate of Water Right No 6897C, dated June 15, 1995 for 30 gpm, 32 acre feet per year.		Water Assoc Homeowners Lummi United States		
A260.	Plat map for Georgia Manor		Water Assoc Homeowners Lummi United States		
A261.	Chloride test results for Georgia Manor's old well.		Water Assoc Homeowners Lummi United States		
A262.	Chloride test results for Georgia Manor's new well		Water Assoc Homeowners Lummi United States		
A263.	Chloride test results for the Sunset Well		Water Assoc Homeowners Lummi United States		
A264.	Chloride test results for the Harnden Island View well		Water Assoc Homeowners		

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
			Lummi United States		
A265.	Photographs of the Lummi River		Water Assoc Homeowners		Lummi United States
A266.	RCW 90.03.015 and 90.03.330 (Defendant's position is that Statutes and other legal authority need not be identified as an exhibit)		Water Assoc Homeowners Lummi United States		
A267.	Report by Don J. Easterbrook, dated December 15, 2003, entitles "Analysis of Aspect Consulting Report 'Lummi Peninsula Groundwater Investigation'"* Including material referenced in the report.		Water Assoc Homeowners	Lummi United States dependent on author testifying	
A268.	Don Easterbrook's Resume		Water Assoc Homeowners Lummi United States		
A269.	Report by Scott Bender dated December 20, 2003 which is the form of a letter from Bender to Slater RE: Opinion, Groundwater Hydrology Report Technical Review, Lummi Peninsula Litigation, Bellingham, Washington and a supplement to the report, dated August 23, 2004, in the form of a letter from Bender to Slater. It is anticipated that the December 20, 2003 Report and August 23, 2004 supplemental report will comprise one exhibit, including the attachments to each report.		Water Assoc Homeowners	Lummi United States dependent on author testifying	
A270.	Scott Bender's Resume		Water Assoc Homeowners Lummi United States		
A271.	All or portions from Chapters five (5) and six (6) of "Applied Hydrogeology" by C.W. Fetter, Jr., published by Charles E. Merrill Publishing Company, 1980.		Water Assoc Homeowners	Lummi United States	
A272.	Lummi Nation's Answers to Defendant Water Association's First Set of Interrogatories and Request for Production		Water Assoc Homeowners	Lummi United States	

### Draft Master Plaintiff/Defendant Exhibit Matrix

<b>Defendant Exhibit No.</b>	<b>DESCRIPTION OF EXHIBITS</b>	<b>BATES No.</b>	<b>Stipulate to Admissibility</b>	<b>Stipulate to Authenticity but not Admissibility</b>	<b>Dispute Authenticity and Admissibility</b>
				to the extent that the documents produced are included in the exhibit	
A273.	Lummi Nation's Responses to Defendant Water Association's Second Request for Admissions.	DWIN 01843-01860	Water Assoc Homeowners Lummi United States		
A274.	United States Response to Defendant Water Associations First Request for Admissions.	DWIN 01861-01881	Water Assoc Homeowners Lummi United States		
A275.	Lummi Nation's Responses to Defendant Water Associations First Request for Admissions.		Water Assoc Homeowners Lummi United States		
A276.	United States Responses to Defendant Water Associations First Set of Interrogatories and Request for Production		Water Assoc Homeowners	Lummi United States to the extent that the documents produced are included in the exhibit	
A277.	Letter dated May 30, 2002 from U.S. Attorney, Charles E. O'Connell, Jr. to J. Timothy Slater		Water Assoc Homeowners	Lummi United States	
A278.	United States Responses to Defendant Water Association's Second set of Interrogatories and Third Request for Production		Water Assoc Homeowners	Lummi United States to the extent that the documents are included in the exhibit	
A279.	United States Supplemental Responses to Defendant Water Association's Fourth Request for Production of Documents.		Water Assoc Homeowners	Lummi United States	

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
				to the extent that the documents are included in the exhibit	
A280.	United States Second Supplemental Responses to Defendant Water Association's Fourth Request for Production of Documents.		Water Assoc Homeowners	Lummi United States to the extent that the documents are included in the exhibit	
A281.	Lummi Nation's Answers to State of Washington Department of Ecology's First Set of Interrogatories and Requests for Production		Water Assoc Homeowners	Lummi United States to the extent that the documents are included in the exhibit	
<b>Homeowner Exhibits</b>					
A282.	Silver Reef Casino Brochure (©2002) (color).	DWIN 01747-01748	Water Assoc Homeowners Lummi United States		
A283.	Consent Decree – <i>Lummi Indian Tribe/United States vs. Hallauer</i> C79-682R – Docket #481– Dated 12/8/82.	DWIN 01749-01759	Water Assoc Homeowners	Lummi United States	
A284.	Chart entitled: Land Records-Tract County and Acreage 7/9/98.	DWIN 01760	Water Assoc Homeowners	Lummi United States	
A285.	Chart entitled: Bureau of Indian Affairs Land Records Information System (LRIS); Tract Counts by Prefix and Acreage; Portland Area – Dated 08/04/1999.	DWIN 01761	Water Assoc Homeowners	Lummi United States	
A286.	Chart entitled: Agency Office: Puget Sound; Form 5-5425 (Back); Reservation: Lummi; Dated: As of 12/31/00; Listing: Acreages - Counties in Which Lands are Located.	DWIN 01762	Water Assoc Homeowners	Lummi United States	
A287.	Circular issued to Indian Agents by the Department of the Interior, Office of Indian Affairs; dated July 1901; signed by	DWIN 01763	Water Assoc Homeowners		Lummi United States

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	E.A. Hitchcock, Secretary and W.A. Jones, Commissioner.				
A288.	Newspaper article in The Bellingham Herald dated October 5, 2003; entitled <i>Cleaner river brings new life to shellfish</i> by Ericka Pizzillo, Herald graphic by Allen Peterson.	DWIN 01764-01765	Water Assoc Homeowners	Lummi United States	
A289.	Agreement between the Lummi Tribe and the Inter-agency Committee for Outdoor Recreation on behalf of the State of Washington, and the Department of the Interior or on behalf of the Heritage Conservation and Recreation Service and the Bureau of Indian Affairs concerning Portage Island Park; dated December 16, 1980 .	DWIN 01766-01769	Water Assoc Homeowners	Lummi United States	
A290.	Exhibit A to Affidavit of Jewell P. W. James dated March 9, 1981 (w/map).	DWIN 01770-01772	Water Assoc Homeowners Lummi United States		
A291.	Photograph taken from outer space of Bellingham Bay and San Juan Islands, including the Lummi Peninsula (color).	DWIN 01773	Water Assoc Homeowners		Lummi United States
A292.	Photographs of the Nooksack River in November 2003 (7 pictures) and March 2004 (3 pictures).	DWIN 01774-01783	Water Assoc Homeowners		Lummi United States
A293.	Diagram of geologic fault from Canadian border to Lummi flood plain (to be supplied).		Water Assoc Homeowners		Lummi United States
A294.	Cover Sheet and excerpts (pages 3, 3a and 4) from a report entitled <i>State of the Nooksack River Watershed</i> prepared by the Department of Ecology, Nooksack Initiative Office, Bellingham, Washington, on November 3, 1995.	DWIN 01784-01787	Water Assoc Homeowners Lummi United States		
A295.	Mission Statement downloaded from The Lummi Nation website on 7/30/2004 entitled <i>Community Mobilization Against Drugs (CMAD)</i> .	DWIN 01788	Water Assoc Homeowners	Lummi United States	
A296.	Resolution #90-112 of the Lummi Indian Business Council dated August 23, 1990, and signed by Samuel M. Cagey, Chairman, Lummi Indian Business Council.	DWIN 01789-01790	Water Assoc Homeowners Lummi United States		
A297.	Deed History for William D. and Linnea G. Smith, along with documents relating to their property.	DWIN 01331-01337	Water Assoc Homeowners		

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Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
			Lummi United States		
A298.	Report entitled <i>Nooksack River Estuary Recovery Project; Section 22 Planning Study; Lummi Indian Reservation; Final Report on Possible Restoration Alternatives</i> prepared for the Lummi Indian Nation by the Seattle District Corps of Engineers; dated June 16, 2000.	PLUM003 1657-1666	Water Assoc Homeowners	Lummi United States	
A299.	Page 12 from a document entitled <i>Comprehensive Environmental Land Use Plan: Background Document</i> dated 4/3/96; Jewell James, Lummi Indian Nation History .	PASP002 0109/0122	Water Assoc Homeowners	Lummi United States	
A300.	Pleading entitled <i>Homeowner Defendants' First Interrogatories to Plaintiff United States</i> with answers inserted by Charles E. O'Connell Jr., Attorney for Plaintiff United States, and dated March 5, 2004.	DWIN 01791-01800	Water Assoc Homeowners Lummi United States		
A301.	Pleading entitled <i>United States' Answer to Homeowner Defendants' Second Request for the Production of Documents to Plaintiff United States</i> with responsive documents: Page by Page Index of documents, along with copies of the documents, submitted to the repository under PBIA003 0001-0038 by the Bureau of Indian Affairs, Office of Economic Development, Real Estate Services, Real Property Management regarding Annual Reports on Indian Lands – 1971 through 2003.	DWIN 01801-01842	Water Assoc Homeowners Lummi United States		
A302.	Pleading entitled <i>Defendant Water Associations' Second Request for Admissions to Plaintiff Lummi Nation</i> with responses inserted by Judith K. Bush, attorney for Lummi Nation, and dated January 10, 2003.	DWIN 01882-01888	Water Assoc Homeowners Lummi United States		
A303.	Responses to all Requests for Admissions and discovery requests.		Water Assoc Homeowners	Lummi United States	
A304.	Lummi Indian Reservation allotment map (parcels) compiled by Theo Lozeau, 1944, revised 1948-58 (large map).	DWIN 01889	Water Assoc Homeowners		Lummi United States
A305.	Correspondence from Jewell James, LTPTF, to Leroy Deardorff, Water Ofc.; dated February 24, 1994 ( <b>Exhibit</b>	PLUM003 5645-5647 w/PLUM004-	Water Assoc Homeowners	Lummi United States	

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	#21 to Jefferson's deposition)	2886 (map) attached			
A306.	Summary of Threats to the Lummi Peninsula and Northern Lummi Aquifers; dated September 28, 1999 ( <b>Exhibit #2</b> to Freimund's Deposition of 9/9/03)	PBIA002 3606-3607	Water Assoc Homeowners Lummi United States		
A307.	Email from Jeremy Freimund to Gretchen Greene – Dated April 10, 2002 @ 4:54pm ( <b>Exhibit #6</b> to Freimund's Deposition of 9/9/03)	PLUM 004 1683	Water Assoc Homeowners Lummi United States		
A308.	Water Resources Inventory: Phase III; Discussion of Alternatives; prepared by Jean E. Caldwell, Water Resource Planner, Lummi Indian Council; dated August 1981 ( <b>Exhibit #7</b> to James Deposition of 12/16/03).	PLUM003 3185-3188/3193-3194/3197-3198/32000-3210	Water Assoc Homeowners	Lummi United States	
A309.	Letter to Lummi Tribal Sewer and Water Board from G.I. James Sealath, Manager, Lummi Indian Business Council; dated August 27, 1990; Re: Water Service from Tribal Water System ( <b>Exhibit #8</b> to James Deposition of 12/16/03)	DWIN 01892	Water Assoc Homeowners Lummi United States		
A310.	POSTER/Large: Indian Land Sale Under the Supervision of the United States, Department of the Interior, United States Indian Service – January 14 (12), 1928 ( <b>Exhibit #4</b> to G. Argel Deposition taken 2/25/04).	DWIN 01893	Water Assoc Homeowners		Lummi United States
A311.	Review of Initial Water Claim; Proposal for: Lummi Indian Nation; prepared by Natural Resources Consulting Engineers, Inc.; dated April 19, 2000 ( <b>Exhibit #6</b> to M. Jefferson Deposition of 10/6/03).	PLUM004 1687-1690	Water Assoc Homeowners		
A312.	Page 2 of Minutes from Bellingham City Council Meeting; Committee of the Whole; dated January 8, 1990; Re: Tribe is Requesting Water from City; with attached letter to Lummi Water & Sewer Board from Mark Asmundson; dated March 25, 1996 ( <b>Exhibit #25</b> to M. Jefferson Deposition of 10/6/03).	DWIN 01894-01895	Water Assoc Homeowners		Lummi United States
A313.	Affidavit by Mike Sofie dated September 8, 2003 ( <b>Exhibit</b>	DWIN 01896-01897	Water Assoc		Lummi

### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	#27 to Merle Jefferson's Deposition of 10/6/03).		Homeowners		United States
A314.	Letter to the Lummi Tribal Court from Albert L. and Judy L. Sperry dated July 13, 1996 ( <b>Exhibit #28</b> to Merle Jefferson's Deposition of 10/6/03).	DWIN 01898-01899	Water Assoc Homeowners		Lummi United States
A315.	Letter to Judge Barbara Rothstein from W.F. and Denise Sayles dated 10/19/94 ( <b>Exhibit #29</b> to Merle Jefferson's Deposition of 10/6/03).	DWIN 01900	Water Assoc Homeowners		Lummi United States
A316.	Letter to Ms. Paula Kent, Northwest Economic Associates, from Harry Johnsen, Raas Johnsen & Stuen, PS; dated May 6, 2002; Re: Lummi Peninsula Wells ( <b>Exhibit #10</b> to P. Kent Deposition of 5/26/04).	PNEA003 0562	Water Assoc Homeowners Lummi United States		
A317.	Seattle Post-Intelligencer article in the April 10, 2004 (Saturday) edition; entitled <i>Gambling interests pump money into Eyman effort</i> ; by David Ammons, The Associated Press ( <b>Exhibit #124</b> to Greene Deposition of 6/7/04).	DWIN 01913	Water Assoc Homeowners	Lummi United States	
A318.	Deposition and Exhibits of Victor Solomon.		Water Assoc Homeowners	Lummi United States	
A319.	Memorandum to Lummi Indian Business Council, Lummi Sewer Board, from Daniel A. Raas, Reservation Attorney; dated June 2, 1988; Re: Continuing Jurisdiction in Sewer Case.	DWIN 01731	Water Assoc Homeowners	Lummi United States	
A320.	Letter to Lummi Tribal Sewer and Water District from G.I. James Sealth, Manager, Lummi Indian Business Council; dated August 28, 1990; Re: Proposed Sewer Extensions .	DWIN 01733	Water Assoc Homeowners Lummi United States		
A321.	Letter to Mr. Adam Jamison from Tim Hostetler, Lummi Planning Office, Lummi Indian Business Council; dated October 13, 1993.	DWIN 01735	Water Assoc Homeowners		Lummi United States
A322.	Letter to Mr. Adam Jamison from Tim Hostetler, Lummi Planning Office, Lummi Indian Business Council; dated October 14, 1993.	DWIN 01736	Water Assoc Homeowners		Lummi United States
A323.	Letter to Mr. Adam Jamison from Tim Hostetler, Lummi	DWIN 01737	Water Assoc		Lummi



### Draft Master Plaintiff/Defendant Exhibit Matrix

Defendant Exhibit No.	DESCRIPTION OF EXHIBITS	BATES No.	Stipulate to Admissibility	Stipulate to Authenticity but not Admissibility	Dispute Authenticity and Admissibility
	Planning Office, Lummi Indian Business Council; dated October 15, 1993.		Homeowners		United States
A324.	Memorandum (AESI Project No. WB9742) to Robert Fenton, BIA, from Mark Shaffer, Project Manager, and Erick Miller, Senior Project Hydrogeologist, Associated Earth Sciences, Inc.; Re: Schedule for Reservation-Wide Ground Water Assessments Lummi Indian Reservation ( <b>Exhibit #11</b> to Shaffer Deposition of 4/29/04) .`	PBIA002 4572-4576	Water Assoc Homeowners Lummi United States		
A325.	Letter to J. Timothy Slater from Harry L. Johnsen dated September 12, 2003; regarding “metered water delivery figures for water the Lummi Tribal Water Disstrict has delivered to its customers outside the case area, using water withdrawn from the case area aquifer or obtained by purchase from Bellingham.”	DWIN 01914	Water Assoc Homeowner Lummi United States s		
A326.	Multiple page email regarding California water standards.	DWIN 01915-01920	Water Assoc Homeowners		Lummi United States
A327.	Documents supplied by Homeowner Defendants in response to plaintiffs’ discovery requests regarding title and water sources/uses.	DWIN 00001-01577/01591-01642/01644-01730/01742-01746	Water Assoc Homeowners		
	<b>Note: Plaintiffs object to the addition of the next four exhibits, which were not proposed until 9/15/04, which they have not yet had a chance to review and which are not adequately identified</b>				
A328.	Packet of Whatcom County Assessor’s records regarding Homeowner Defendants’ parcel histories				
A329.	Photograph of Defendant Drumheller’s hand dug well				
A330.	Packet of photocopies of early cabins				
A331.	Packet regarding sale of Captain Jack’s allotment				
A332.					